

# The Corporation of the Municipality of Brighton

## By-Law No. 032-2022

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### Being a By-law to Adopt Licensing Regulations Pertaining to Short-Term Accommodation Rentals

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**Whereas** the Council of the Municipality of Brighton 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 Municipality of Brighton;

**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** pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority for the purposes of establishing a system of licensing with respect to Short Term Rental Accommodation businesses;

**And Whereas** Section 436 of the *Municipal Act* permits a municipality to pass by-laws allowing the municipality to enter onto lands or property at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order, or licence;

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

**And Whereas** Council has enacted Official Plan Amendment No. 8 by By-law No. 094-2021 and Zoning By-law Amendment 097-2021 under the provisions of the Planning Act, R.S.O. 1990, c. P13, as amended, with respect to Short Term Accommodation Rentals within the municipality and having done so desires to provide for a system of licensing to implement said policies and provisions;

**Now Therefore the Council of the Municipality of Brighton Enacts as follows:**

#### 1.0 Definitions

For the purposes of this by-law the following definitions apply:

- 1.1. **Administrative Monetary Penalty** means a monetary penalty imposed for a contravention of this By-law;
- 1.2. **Agent** means a Person duly appointed by an Owner or the Municipality to act on their behalf;
- 1.3. **Amenity Area** means a common outdoor and indoor area or private area that is designed and intended to be used by the occupants of a building on the lot for passive or active recreational purposes and may include a balcony, patio, terrace, at-grade garden, or yard.
- 1.4. **Amenity Area, Common** means a common outdoor or indoor amenity area intended to be used by all occupants of a building or development.

- 1.5. **Amenity Area, Private** means an outdoor area with direct access from an individual dwelling unit and intended for exclusive use of residents of that dwelling unit, such as private balconies, patios, terraces, at grade-garden or yard.
- 1.6. **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.
- 1.7. **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.
- 1.8. **Applicant** means the Person applying for a Licence or renewal of a Licence under this by-law;
- 1.9. **"Bed & Breakfast Establishment"** means a dwelling or portion thereof in which the proprietor resides and supplies for hire or gain to other persons, temporary overnight lodging with or without meals, but shall not include a hotel, motel, apartment, hospital, seniors home, group home or restaurant serving the general public.
- 1.10. **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.
- 1.11. **By-law Enforcement Officer** means a municipal law enforcement officer of the Corporation of the Municipality of Brighton who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws.
- 1.12. **Chief Administrative Officer** means the Chief Administrative Officer for the Municipality or any Person designated by the Chief Administrative Officer;
- 1.13. **Chief Building Official** means the Chief Building Official for the Municipality or any Person designated by the Chief Administrative Officer;
- 1.14. **Clerk** means the Clerk for the Municipality, or any Person designated by the Clerk;
- 1.15. **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;
- 1.16. **Council** means Council for the Municipality;
- 1.17. **Director of Planning and Development Services** means the Director of Planning and Development Services for the Municipality, or any Person designated by the Director of Planning and Development Services, or any Person designated by the Chief Administrative Officer;
- 1.18. **Fire Chief** means the Fire Chief for the Municipality, or any Person designated by the Fire Chief;
- 1.19. **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.

- 1.20. **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.
- 1.21. **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.
- 1.22. **Fee** means a Fee as set forth in the Municipality of Brighton's Fee's and Charges Bylaw.
- 1.23. **Good Host Property Design** means a building and property design that demonstrates an appealing presentation to the public and guests through exterior physical enhancements composed of architectural, landscaping, cultural/historical, recreational and general enrichments to accommodation functions, displays, features or elements.
- 1.24. **Guest Room** or **Guest Suite** means a room offered for Short-Term Accommodation Rental intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Ontario Building Code;
- 1.25. **Licence** means the Licence issued under this by-law as proof of licensing under this by-law;
- 1.26. **Licensed** means to have in one's possession a valid and current licence issued under this by-law and unlicensed has the contrary meaning;
- 1.27. **Licencee** means a Person who holds a Licence or is required to hold a Licence under this by-law;
- 1.28. **Licence Issuer** means any person or persons provided the authority by the Municipality of Brighton to issue a license under this By-law;
- 1.29. **Licence Number** means a number assigned to a Licence by the Municipality;
- 1.30. **Life Safety Plan** means a plan that sets out how building occupants will be kept from hazards through proper stairways, railings, doorways, windows, and how persons on premise will be alerted to an emergency situation and evacuated from a building or public space through assessing the property site conditions and the needs of everyone who uses or may use the space or building;
- 1.31. **Lot** or **Parcel** means a parcel of land that is registered as a legally conveyable parcel of land in the Registry Office.
- 1.32. **Municipality** means the Corporation of the Municipality of Brighton or the land within the geographic limits of the Corporation of the Municipality of Brighton as the context requires;
- 1.33. **Municipal Accommodation Tax** means a non-discretionary tax imposed by the Municipality of Brighton on Short-Term Accommodation Rentals, hotels, motels, motor hotels, lodges, inns, resorts, bed and breakfasts, or other lodging including those sold online.
- 1.34. **Municipal Agreement** means any agreement, between an owner of lands and the Municipality of Brighton, and includes agreements made under the authority of the Planning Act, or the Municipal Act.
- 1.35. **Nuisance and Property Management Plan** means mitigation measures shown on a site plan designed to reduce or eliminate noise, lighting, waste odours or other obnoxious influences from emanating off-site, including such measures as appropriately insulated walls,

ceilings, noise-attenuating windows, fencing, berms, and buffering landscape plantings.

- 1.36. **Nuisance** means an activity or behavior that when consistent or repetitive causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public;
- 1.37. **Occupant** means a person that intends to use the Short-Term Accommodation for overnight lodging but shall not include daily visitors to the property.
- 1.38. **Officer** means a Police Officer, Fire Inspector, Building Inspector, Zoning Examiner, Plans Examiner, Municipal Enforcement Officer, or Clerk of the Municipality;
- 1.39. **Owner or Landowner** means the Person holding title to the Property on which the Short-term Rental Accommodation is located, and "Ownership" has a corresponding meaning;
- 1.40. **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.
- 1.41. **Parking Management Plan** means a plan and drawings completed for the Parcel by a qualified person or Owner, showing accurate dimensions of the Parcel, and location of buildings, parking stalls, thoroughfares, entrances and parking related features, intended to address orderly and safe parking arrangements and vehicle movements, which shall be completed in accordance with specifications of the Municipality.
- 1.42. **Person** means an individual, a corporation, a partnership, or an association, and includes a Licencee or an Applicant for a Licence under this by-law as the context requires;
- 1.43. **Premises** means the Property upon which a Short-Term Accommodation Rental is operated, inclusive of buildings or structures or any part thereof used for such purpose;
- 1.44. **Property** means the land upon which a Short-Term Accommodation Rental is operated;
- 1.45. **Renter** means the person responsible for the rental of the Premises by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement;
- 1.46. **Renter's Code of Conduct** as set forth in Schedule "A" means a document that has been prepared by the Municipality 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 Municipality by-laws, and adherence to the provisions of this by-law;
- 1.47. **Responsible Person** means the owner (must be 18 years of age) or agent assigned by the Owner or licencee of the Short-Term Accommodation Rental dwelling to ensure the Short-Term Accommodation Rental dwelling is operated in accordance with the provisions of this By-law, the licence and applicable laws.
- 1.48. **Short-Term Accommodation Rental** means the use of a dwelling unit, as defined in Comprehensive Zoning By-law 140-2002, as amended, that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, 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 Municipality of Brighton. Short-Term Accommodation Rental 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 140-2002, as amended.

- 1.49. **Short-Term Accommodation Rental, Whole-home** means a Short-Term Accommodation Rental that is rented from the landowner or the long-term tenant who does not concurrently occupy a dwelling unit as a principal residence on the same Lot;
- 1.50. **Short-Term Accommodation Rental, Owner-occupied** means a Short-Term Accommodation Rental that is rented from the landowner or the long-term tenant who concurrently occupies a dwelling unit as a principal residence on the same Lot;
- 1.51. **Short-Term Accommodation (STA) - On-farm Diversified** means a Short-Term Accommodation (STA) in which a whole or portion of the dwelling unit or a second home is rented on a bona fide farm parcel that has been owned and operated as such for a minimum of two (2) years.
- 1.52. **Short-Term Accommodation, Villa** means a cluster or group of several purpose-built STA units having a maximum of 10 STA suites characterized by a high degree of distinctive design and high standards of amenity, with one (1) or two (2) dwelling units or premises thereof permitted to be occupied as a primary home of the STA owner/manager-operator.
- 1.53. **Special Event, Outdoor** means an outdoor sporting, cultural, ceremonial, business or other type of unique activity or social engagement, hosting a congregation of persons for a limited duration, but which excludes construction-related activities, farm-related activities or film production, and which may be licensed by the landowner through the Alcohol and Gaming Commission of Ontario.
- 1.54. **Special Event, Outdoor Congregational Area** means the outdoor open space area on a Parcel or a contiguous set of parcels designed or designated for persons standing or seated for the purposes of being entertained, observing or participating in a special event activities or related activities.
- 1.55. **Zoning By-law** means the Municipality's Comprehensive Zoning By-law 140-2002, as amended, or any successor comprehensive Zoning By-law, as amended.

## **2.0 Administration**

- 2.1. The Licence 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. Applications for Licence shall be complete with required information and requisite fees or charges. Incomplete applications for a Licence shall be returned to the Applicant without further administrative consideration being given by the Licence Issuer.
- 2.4. Upon receipt of a complete application for a Licence, a Licence Issuer shall perform the following functions:
  - 2.4.1. receive and review the application in conjunction with any provision of this by-law and related by-laws;
  - 2.4.2. circulate for comment the Application to relevant Municipal departments and external agencies as the Municipality deems appropriate; and

- 2.4.3. ensure the relevant Officers have carried out the necessary inspections to satisfy the Municipality that the Premises comply with the provisions of this by-law and related by-laws.
- 2.5. Applications for licence and issued licences, along with the legal description, civic address and associated owner, responsible person contact information may be posted by the Municipality on its website.
- 2.6. The Licencee shall be responsible to record and submit all administrative fees, charges, and taxes, including as required under a Municipal Accommodation Tax Bylaw. The Municipal Accommodation Tax is paid in addition to any fees associated with the application for a Licence as referred to herein.
- 2.7. No person or owner shall have a vested right to the continuation or re-issuance of a Short-Term Accommodation Rental Licence. All Short-Term Rental Licences issued, renewed, cancelled, suspended or terminated remain the sole property of the Municipality.

### **3.0 General Provisions Applicable to All STAs**

- 3.1. No Licence shall be issued unless in conformity and compliance with the provisions of this By-law. Licences may be issued subject to conditions that implement the requirements of this By-law.
- 3.2. A Short-Term Accommodation dwelling shall only be permitted in areas where it is a permitted use as set out in the Municipality's Zoning By-law.
- 3.3. A Licence for a Short Term Accommodation dwelling will not be issued where the addition of the Short Term Accommodation dwelling will result in an area density of Short Term Accommodation dwellings that does not comply with the provisions of the Zoning By-law, as amended.
- 3.4. No person shall use or operate any Short-Term Accommodation dwelling unless he or she holds a current Licence issued pursuant to this By-law.
- 3.5. No person shall advertise a Short-Term Accommodation without a Licence.
- 3.6. No Person shall operate a Short-Term Accommodation Rental in contravention of a Municipal Agreement.
- 3.7. The maximum number of guest Persons, including but not limited to residents or occupants, permitted to stay for overnight lodging on any licenced premise, shall be restricted to 2 persons per bedroom or guest room and be delineated on the required floor plan. Dens or rooms with murphy beds or pullout couches shall be included as a guest room.
- 3.8. The maximum number of guest Persons who may lodge at a Short-Term Accommodation rental is six (6) at the rate of two persons over aged twelve (12) years per bedroom or sleeping area.
- 3.9. All STA operators shall maintain a logbook with names and contact information of all guests available for inspection by Municipal Officials upon request.
- 3.10. Services supporting the STA will be deemed appropriate if:
  - 3.10.1. Stormwater and sump pump systems are not permitted to discharge into the Municipal sanitary system;
  - 3.10.2. Water and sanitary connections comply with Municipal standards;
  - 3.10.3. Septic systems have been designed and connected in conformity to the Ontario Building Code.
- 3.11. Where a lot contains an additional dwelling unit regulated by the Comprehensive Zoning By-law No. 140-2002, as amended, the following shall apply:
  - 3.11.1. A Principal Residence shall be located on the same lot as the Short-Term Accommodation dwelling; and,
  - 3.11.2. A maximum of 3 Short Term Accommodation dwelling guest rooms is permitted on the same lot.
- 3.12. The maximum number of guest Persons who may lodge at a Short-Term Accommodation rental is limited to the number prescribed by the Municipal Zoning By-law, or the regulations of this By-law, whichever is more restrictive.

- 3.13. Where a lot contains a second or additional dwelling unit, the following shall apply:
  - 3.13.1. A Principal Residence shall be located on the same lot as the Short-Term Accommodation dwelling; and,
  - 3.13.2. No licensee shall rent any guest room in a Short-Term Accommodation Rental 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 Accommodation Rental Licence.
- 3.14. No Person Shall operate a Short-Term Accommodation Rental in contravention to a Provincial Restriction or Order.
- 3.15. No Person shall contravene a Municipal By-law while occupying a Short-Term Rental Accommodation.
- 3.16. The Licensee shall be responsible for maintaining the amenity and parking areas and ensuring that guests use only the areas designated within the approved Licence.
- 3.17. Short Term Accommodation dwellings shall comply with all applicable Municipal By-laws and provincial legislation.
- 3.18. A Short Term Accommodation dwelling home may display one sign in keeping with the Municipal Sign By-law.

#### **4.0 Prohibitions**

- 4.1. No person shall operate a Short-Term Accommodation rental that does not comply with the provisions of this by-law.
- 4.2. No person shall operate or advertise or permit to operate or advertise a Whole-home Short-term Accommodation rental.
- 4.3. No person shall use or operate any Short-Term Accommodation Rental dwelling unless he or she holds a current licence issued pursuant to this By-law.
- 4.4. No person shall advertise a Short-Term Accommodation without a licence.
- 4.5. No person shall operate a Short-Term Accommodation in a dwelling unit that does not conform to:
  - 4.5.1. The provisions of this By-law;
  - 4.5.2. The Ontario Fire Code;
  - 4.5.3. The Ontario Building Code;
  - 4.5.4. The Maintenance and Occupancy By-law;
  - 4.5.5. The Zoning By-law;
  - 4.5.6. Clean Yards By-law;
  - 4.5.7. Parking By-law; and,
  - 4.5.8. All other relevant Municipal By-laws.
- 4.6. No Licensee shall rent any guest room in an STA other than a guest room that was identified and approved as such on the floor plans submitted with the Application for the Short-Term Accommodation Licence.
- 4.7. No person shall operate a Short-Term Accommodation in a trailer, vehicle, boat, or accessory structure.
- 4.8. No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this by-law.
- 4.9. All STAs shall comply with Sections 5.3.4 through 5.3.16 of this By-law, inclusive.

#### **5.0 Special Provisions Applicable to Short Term Accommodations**

##### **Bed and Breakfast Establishments and Owner-Occupied STAs**

- 5.1. Where a Bed & Breakfast Establishment is to be issued a Licence in accordance with this By-law, in addition to the General and Specific Provisions, the following provisions and considerations shall apply prior to issuing the Licence:

- 5.1.1. The maximum number of guest rooms shall be in conformity with the Municipality's Zoning By-law;
- 5.1.2. Bed & Breakfast Establishments shall be permitted only in zones where expressly provided for as a permitted use in the Zoning By-law and shall not be permitted as an accessory use.
- 5.1.3. The Parking Management Plan for Bed and Breakfast Establishments and Owner-Occupied STAs shall be one parking space provided per guest room in addition to the required spaces for the principal dwelling. Such parking spaces shall be on the same lot as the use and shall comply with the requirements outlined in Section 5 of the Zoning By-law. In addition, through separate approval as a condition to a Licence Permit, a maximum of one spill-over on-street parking space in a location meeting the satisfaction of the By-law Enforcement Officer is permitted between the time period of the 1st day of April and the 30th day of November, inclusively, or as otherwise restricted by Municipal Parking By-laws. A separate parking permit fee or a cash-in-lieu parking agreement may be required in order to permit spill-over on-street parking.
- 5.1.4. Bed & Breakfast Establishments shall conform to all regulations and requirements of the zone where permitted.
- 5.1.5. A Bed & Breakfast Establishment, while being operated as a Bed & Breakfast Establishment, must be occupied and operated by the principal resident while guests occupy or have the right to occupy guest rooms.
- 5.1.6. A Bed & Breakfast Establishment may provide and serve breakfast only. No other meal shall be offered or served on the premises. Meal preparation shall occur in the kitchen. No cooking or cooking appliances shall be permitted in licenced guest rooms.
- 5.1.7. Each Bed & Breakfast Establishment licensed pursuant to the By-law must provide proof to the Municipality at least every two (2) years that it complies with the Fire Code and the Municipality's Maintenance and Occupancy By-law.

## 5.2. **On-Farm Diversified STA**

- 5.2.1. A Licence may be issued for an STA on a farm parcel subject to the following:
  - a) the farm home operates as a Bed and Breakfast Establishment, or Owner-occupied Short-Term Accommodation unit;
  - b) the STA is located in an Additional Residential Unit as defined in the Comprehensive Zoning By-law No. 140-2021, as amended, on a parcel with a home that is occupied by non-STA residents;
  - c) for a Whole-home STA located on a bona fide farm parcel that has been owned and operated as such for a minimum of two (2) years.

## 5.3. **Whole-Home STAs**

Whole-Home STAs shall comply with the following:

### General Requirements:

- 5.3.1. An STA Whole Home may be rented for no more than 15 consecutive days per calendar season before being subject to occupancy limits and licensing requirements.
- 5.3.2. Applications for a Licence for a Whole-home STA shall include a floor plan, site plan, Nuisance and Property Management Plan, a Parking Management Plan, and a Good Host Property Standards Design; the STA Whole Home operation shall make required improvements to buildings and property in compliance with each approved Plan or Design, and maintain such, accordingly.



- 5.3.3. Site Plans shall demonstrate a Private or Communal Amenity area of sufficient area to accommodate the occupational capacity of the STA at the rate and location established in the Comprehensive Zoning By-law.

Building Code and Fire Code requirements:

- 5.3.4. A qualified person shall submit to the Municipality on an annual basis a confirmatory statement that the Whole-home STA conforms to standards of the *Fire Prevention and Protection Act* regarding Life Safety;
- 5.3.5. Life Safety plans are required for all STAs to the satisfaction of the Fire Chief.
- 5.3.6. The Licencee shall obtain a burn permit if campfires are to be allowed on the Property, in accordance with requirements of the Municipality's By-law 125-2016 - Open Air Burning.
- 5.3.7. Smoke Alarms and Carbon Monoxide Detectors shall be installed in each suite and corridors serving the suites on each floor.
- 5.3.8. 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.
- 5.3.9. 2.5 lb. ABC fire extinguishers shall be provided on every level of the home and inspected monthly and documented and inspected annually by a Certified Company.
- 5.3.10. Fire Alarm Systems shall be verified and inspected annually by a certified agency.
- 5.3.11. Fire Protection Equipment Maintenance Log sheets will be provided with the licence.
- 5.3.12. Fire extinguishers shall be inspected monthly, which shall be documented. A certified company shall inspect fire extinguishers annually.
- 5.3.13. Fire alarm systems shall be verified and inspected annually by a certified agency.
- 5.3.14. Applications for a Licence will include fire protection equipment maintenance log sheets.
- 5.3.15. Carbon monoxide detectors shall be installed outside of each sleeping area in an STA home where fuel-fire appliances are in the premises, or the STA includes an attached garage.
- 5.3.16. All life safety equipment shall be tested monthly, which shall be demonstrated through documentation. Inspections of life safety equipment shall be completed annually by a certified company. Documentation and related records shall be kept on-site for a minimum of 2 years.

Parking Requirements

- 5.3.17. The provision of parking on the site plan referenced herein shall include the following:
- (a) adherence to parking requirements of the Municipality's Comprehensive Zoning By-law No. 140-2002, as amended;
  - (b) One parking space shall be provided per guest room in addition to the required spaces for the principal dwelling. Such parking spaces shall be on the same lot as the use and shall comply with the requirements outlined in Section 5 of the Zoning By-law. In addition, through separate approval as a condition to a Licence Permit, a maximum of one spill-over on-street parking space in a location meeting the satisfaction of the By-law Enforcement Officer is permitted between the time period of the 1st day of April and the 30th day of November, inclusively, or as otherwise restricted by Municipal Parking By-laws. A separate parking permit fee or a cash-in-lieu parking agreement may be required in order to permit spill-over on-street parking.
  - (c) a minimum of one parking space per Guest Room;
  - (d) parking space sizes of 2.5 metres by 5.8 metres; and compliance with all other parking provisions as set forth in the Zoning By-law.

- 5.3.18. 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).
- 5.3.19. The Municipality may provide through conditions to the issued Licence the limited use of on-street parking that in the opinion of the Licence Issuer maintains safe and orderly parking arrangements, inclusive of anticipated needs of adjacent land uses.

#### Nuisance and Property Management

- 5.3.20. A Whole-home STA owner or operator shall be responsible for ensuring noise does not emit from the property in violation of the Municipality's Noise By-law No. 118-2017, as amended.
- 5.3.21. Each Whole-home STA shall illuminate the amenity area of the property (typically the rear and side yard areas) for adequate safety while directing all lighting internal to the lot and eliminating glare onto adjacent homes. All overhead lighting designed to illuminate outdoor amenity or recreational areas, or other congregational areas shall be time-controlled to turn-off no later than 11:00 pm.
- 5.3.22. All outdoor pools and hot tub areas shall be screened and buffered to mitigate noise to off-site areas.
- 5.3.23. Outdoor pools, hot tubs areas and other recreational areas shall not be used before 6:00 am or after 11:00 pm.
- 5.3.24. No fireworks shall be deployed without a fireworks permit issued by the Municipal Fire Chief.
- 5.3.25. The site plan submitted as part of a STA Licence application shall demonstrate a waste containerization area located and designed to Municipal specifications.
- 5.3.26. Dog and cat pets will be leashed.

#### Inviting Visitors or Hosting Special Events

- 5.3.27. No STA will be used as a Special Event venue, such as weddings, receptions or other events that cause the congregation of persons above the capacity of the premises in accordance with the Ontario Building Code.
- 5.3.28. Notwithstanding Section 5.3.27, an Outdoor Special Event may be permitted through a Special Event Permit issued under this By-law on a limited basis for a maximum of 3 consecutive days occurring no more frequent than one per season of the year on the Lot. Where a Licencee wishes to host a Special Event, such as a family wedding or a not-for-profit charitable function, the Licencee shall provide prior notification to the Municipality by submitting a Special Events Notification Form as set out in Schedule "D" to this by-law.
- 5.3.29. Un-registered daytime guest(s) invited by the STA registered licensed renter are not permitted above the number of persons regulated by the most limiting restriction of the following:
  - a) in accordance with the occupational capacities of the home as specified in Fire Code, Building Code, or provisions of the subject Licensing By-law;
  - b) available parking area and spaces as approved by the licence as issued;
  - c) an approved Nuisance and Property Management plan; or
  - d) outdoor Congregational Area or Private Amenity Area requirements of this By-law.

### **6.0 Terms of Licence**

- 6.1. A Short-Term Accommodation Rental licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
  - 6.1.1. December 31<sup>st</sup> of the year issued;

- 6.1.2. Upon the sale or transfer of the Short-Term Accommodation Rental dwelling to a person other than a licensee;
  - 6.1.3. A Short-Term Accommodation licence cannot be assigned or transferred from the Licensee to another party; or,
  - 6.1.4. The licence has been revoked in accordance with the provisions of this by-law.
- 6.2. The Director of Planning and Development Services or designate shall have the right to extend any active Licence for up to 1 calendar year, should an emergency be declared that directly effects the licence holders under this program.

## **7.0 Licence Application Requirements**

### **7.1. Application Information Requirements**

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

- 7.1.1. a completed application in the form required by the Municipality, which shall include each name of the Owner, Applicant and/or Agent, and each corresponding address, telephone number, and email address;
- 7.1.2. 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 Municipality By-law, including attendance on site of the Short-Term Accommodation Rental dwelling within sixty (60) minutes of being notified of the occurrence.
- 7.1.3. proof of Ownership for the Premises;
- 7.1.4. proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
- 7.1.5. proof that the Applicant, if a corporation, is legally entitled to conduct business in Ontario, including but not limited to:
  - a) 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
  - b) a list containing the names of all shareholders of the Corporation;
  - c) 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;
  - d) in the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization;
- 7.1.6. A signed copy of the Short-Term Accommodation Rental MAT-Tax Return Form, as applicable.
- 7.1.7. 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) a carbon monoxide detector;
  - d) a Life Safety Plan to the satisfaction of the Chief Building Official and the Fire Chief Official, including information showing location of smoke detection, early warning devices, and 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;
- 7.1.8. a Parking Management Plan;
- 7.1.9. a Nuisance and Property Management Plan;
- 7.1.10. a Good Host Property Standards Design;
- 7.1.11. Payment of the applicable Licensing Fees and Charges as noted within the fees and charges by-law, including fees related to the Municipal Accommodation Tax by-law, as applicable; and,
- 7.1.12. Payment of Administrative Monetary Penalties, as applicable.

### Changes to Application Information

- 7.2. The Licencee shall be 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 plans within (7) days of such change or deviation. Nothing herein allows a Licencee to rent rooms other than those identified and approved on the floor plans submitted with the application for a Licence unless the Municipality has approved same.

### Duration and Renewal of Licence Applications

- 7.3. 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 and remain valid for one (1) year, unless revoked.
- 7.4. A Licence may be renewed without inspection if an affidavit declaration from the Owner is received indicating that no changes to the building, Property or operations have occurred and the owner has not been subject of any suspension of licence or any complaints arising from the operation of the STA during the previous calendar year. An inspection is mandatory every 2-years prior to issuance of a Licence for a whole home Short Term Accommodation or every four (4) years for a Short Term Accommodation used as a principal residence or Bed & Breakfast Establishment.
- 7.5. All renewal requests will include a completed Municipal Accommodation Tax submission form together with full returns of due tax amounts.

### Informing Renters

- 7.6. The following shall be made available to guests with such information be kept on site for easy reference by renters/occupants of the short term rental accommodation:
- 7.6.1. A copy of the current licence retained on site of the Short-Term Accommodation Rental dwelling and available for inspection by Municipality staff;
  - 7.6.2. A copy of the current Noise By-law (#2018-155),
  - 7.6.3. A copy of the current Parking provisions for Short-Term Accommodation dwellings as described in the Municipality's Zoning By-law No. 140-2002, as amended, and the approved Parking Management Plan;
  - 7.6.4. A copy of the approved Nuisance and Property Management Plan;
  - 7.6.5. A copy of the approved floor plans identifying the rooms and showing exits and fire escape routes and,
  - 7.6.6. A copy of the Renters Code of Conduct.

### Insurance Requirements

- 7.7. The Application information shall include proof satisfactory to the Municipality, such as an insurance certificate from the Applicant's insurer, that:
- 7.7.1. the Applicant has sufficient general liability insurance in the amount of no less than \$5 million;
  - 7.7.2. the Applicant's insurance policy contains coverage for damage from fire and does not prevent the applicant from using the subject Property as a Short Term Accommodation; and
  - 7.7.3. the Applicant's insurance is cancellable by the Applicant's insurer on no more than 30 days' prior notice.

## **8.0 Inspections**

- 8.1.1. The Applicant for a STA licence is responsible to contact the Municipality for an inspection, which shall ensure compliance with the following, where applicable to provisions of this by-law;
- a) Ontario Building Code Act, 1992, S.O. 1992 c.23; ("Building Code Act")
  - b) Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 ("Fire Protection and Prevention Act")
  - c) Municipal Maintenance and Occupancy (Property Standards) By-law;

- d) Municipal Zoning By-law;
  - e) any other municipal by-laws or provincial legislation that may affect the status of the application.
- 8.1.2. During the inspection process, all relevant departments of the Municipality may provide comment on any known matters that would assist with determination of licence eligibility.
- 8.1.3. An officer may at any reasonable time inspect a premise or place where a licence has been issued under this By-law to determine compliance to this By-law.

## **9.0 Issuance of Licence Suspension and Grounds for Refusal**

- 9.1. The Licence Issuer 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.
- 9.2. The Licence Issuer may refuse to issue or renew a Licence where:
- 9.2.1. incomplete information has been received;
  - 9.2.2. proof of liability insurance is not received;
  - 9.2.3. reasonable grounds are determined that the operation of the business may be averse to the public interest;
  - 9.2.4. a Licence has been previously revoked, suspended, or made subject to terms and conditions;
  - 9.2.5. a Person applying for a Licence has presented a history of contravention with this by-law or other Municipality by-laws;
  - 9.2.6. the Renter's Code of Conduct (Schedule "A") has been violated;
  - 9.2.7. the proposed use of the Premises is not permitted by the Zoning By-law;
  - 9.2.8. 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;
  - 9.2.9. 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.
- 9.3. Upon confirmation of a violation, the License Issuer will record the associated demerit strike as outlined in Section 11 and in Schedule "D".
- 9.4. The Licence Issuer, if satisfied that the continuation of a Licence poses a danger to the health or safety of any Person, may, for the time and such conditions as are considered appropriate, suspend a Licence for not more than 14 days. If after this period, the Licence Issuer is satisfied that the continuation of a Licence will continue to pose a danger to the health or safety of any Person, the Licence may be further suspended for not more than 14 days or revoke a Licence.
- 9.5. The Licence Issuer may revoke a licence if it was issued in error or granted based on incorrect or false information.

## **10.0 Appeal**

- 10.1. Any and all appeals shall be heard by Council, or a delegated sub-committee thereof, or a delegated technical staff team.

### Hearing Process:

- 10.2. 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 Council may pass rules for the practice and procedure of the Council;
- 10.3. 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;

- 10.4. A Person may appeal to Council or its delegated body in relation to the matter in subsection 10.3. Appeals will not be permitted for any matters that have previously been heard. Within 14 days of receipt of written notice where the Licence Issuer has denied an Applicant a Licence, a renewal of a Licence, or has suspended or revoked a Licence Application, the applicant must submit, in writing, a request for an Appeal as well as the fees associated.
- 10.5. Where no request for an appeal is received, the decision of the Licence Issuer shall be final and binding.
- 10.6. 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 Council or its delegated body shall hear the Applicant or Licencee and every other Person who desires to be heard, and Council may adjourn the hearing or reserve its decision.
- 10.7. No decision of Council or its delegated body is valid unless it is concurred in by the majority of the members of Council that heard the matter, and the decision of the Licensing Council, shall be in writing and shall set out the reasons for the decision;
- 10.8. Any authority or permission granted by Council, or its delegated body may be for such time and subject to such terms and conditions as Council considers advisable and as are set out in the decision;
- 10.9. When a Person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Council or its delegated body may proceed with the hearing in his absence, and the Person shall not be entitled to any further notice of the proceedings;
- 10.10. The Clerk shall no later than fourteen (14) days from the making of the decision send one (1) copy of the decision to:
  - 10.10.1. the Applicant or Licencee; and
  - 10.10.2. 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.

#### **11.0 Demerit Point System**

- 11.1. The Demerit Point System established on Schedule E to this By-law shall be used in the consideration of the issuing, issuing with conditions, suspension, refusal to issue and revocation of a License.
- 11.2. A Licensee may be assessed demerit points as outlined in Schedule E for a contravention of this By-law or as a result of an Administrative Monetary Penalty imposed by the Municipality or a fine or conviction imposed by a Court for a breach of this By-law, or a By-law provision as identified in Schedule B.
- 11.3. A Licensee shall be given Notice forthwith upon any Demerit Points being issued against their Property. Any Demerit points issued pursuant to this By-law may be appealed to Council or its delegated person or body in accordance with Sections 8, 9, or 10 of this By-law.
- 11.4. Subject to Section 11.2 of this Bylaw, Demerit points accumulated by a Licensee shall remain in place against the Licensee for a period of two (2) years from the date the demerit points were imposed.
- 11.5. Where Demerit points have been accumulated by the Licensee and remain in place, the License Issuer may take into account the Demerit points and may reduce the term of a new Licence or impose additional conditions on a new Licence, including a reduction in the maximum permitted occupancy.
- 11.6. A Licence may be suspended for a period of not longer than six months if the total Demerit points in effect respecting a Licence is greater than 7.
- 11.7. A Licence may be revoked if the total of all Demerit points in effect is greater than
- 11.8. Notice of a suspension or revocation under this section shall be provided to the Owner or Licencee and an Owner or Licencee may appeal the suspension or revocation in accordance with Section 10 of this Bylaw.

## **12.0 Enforcement**

### Entry and Inspection

- 12.1. The By-law Enforcement Officer, Chief Fire Official or designate(s) may at any time, enter onto a property to determine whether this by-law is being complied with.
- 12.2. Every Person shall permit the By-law Enforcement Officer, Chief Fire Official or designate(s) to inspect any land for the purposes of determining compliance with this by-law.
- 12.3. The By-law Enforcement Officer, Chief Fire Official or 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.
- 12.4. A Person exercising a power of entry on behalf of the Municipality under this by-law may be accompanied by any Person under their direction, including the Chief Building Official.
- 12.5. Where an inspection is conducted, the Officer conducting the inspection may:
  - 12.5.1. require the production for inspection of documents or things relevant to the inspection;
  - 12.5.2. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - 12.5.3. require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; and,
  - 12.5.4. 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.
- 12.6. The Municipality may undertake an inspection pursuant to an Order issued under Section 438 of the *Municipal Act*.
- 12.7. The Municipality's power of entry may be exercised by an Officer, or Agent for the Municipality.

### Obstruction

- 12.8. 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.
- 12.9. 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 Building Official, 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, Chief Building Official, or Chief Fire Official under section 9.1 of this by-law.

### Order

- 12.10. Every person who contravenes any provision of this by-law is guilty of an offence and all contraventions of this By-law are designated as continuing offences pursuant to section 429(2) of the *Municipal Act*.
- 12.11. Service of any notice under this section shall be carried out by personal service or registered mail addressed to the Licencee at the address shown as the Licencee's address on the Application.
- 12.12. Upon determination that a contravention of the provisions of this by-law has occurred, an Officer may issue the required notice and/or order.
- 12.13. 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 Licencee setting out the reasonable particulars of the contravention and directing:
  - 12.13.1. compliance within a specified period of time;
  - 12.13.2. 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 Licencee's expense, and the Municipality may recover the expense in the same manner as municipal taxes; or,

- 12.13.3. the activity be discontinued.
- 12.14. 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.
- 12.15. Any violations of those Acts or by-laws, or any other relevant legislation, set forth in Section 9.2.1 to 9.2.9 of this by-law shall be addressed pursuant to the respective remedies.
- 12.16. Every Person shall comply with an order issued by an Officer.

#### Service of Documents

- 12.17. 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.
- 12.18. Service by registered or regular mail under Subsection 12.17 shall be deemed to have been made on the fifth day after the day of mailing.
- 12.19. A person's last known address includes the address provided by the person to the Municipality as identified in the property tax file.
- 12.19.1. the provisions of the by-law;
- 12.19.2. an order issued under this by-law; or
- 12.19.3. an order made under Section 431 of the *Municipal Act*;

#### Administrative Monetary Penalties

- 12.20. 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 Monetary Penalty (AMP) in accordance with an AMP By-law as passed by Council of the Municipality of Brighton, or as an offence and conviction liable to a fine in keeping with the provisions of the *Provincial Offences Act*.
- 12.21. An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.
- 12.22. Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 12.21, be liable to pay to the Municipality an Administrative Monetary Penalty in the amount as noted within the Fee and Charges Bylaw.
- 12.23. The penalty notice shall be given to the person to whom it is addressed as soon as is reasonably practicable and shall include the following information:
- 12.23.1. Particulars of the contravention, including to which property it applies;
- 12.23.2. The amount of the administrative monetary penalty;
- 12.23.3. A statement advising that an Administrative Monetary Penalty will constitute a debt to the Municipality.
- 12.24. A person who has been issued a penalty notice shall pay the Administrative Monetary Penalty within fifteen (15) days from the date the notice was issued.
- 12.25. An Administrative Monetary 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.

#### Fines

- 12.26. 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.
- 12.27. 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.



- 12.28. Each day a contravention occurs constitutes a new offence.
- 12.29. 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.
- 12.30. 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.
- 12.31. 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.

#### Collection of Unpaid Fines

- 12.32. 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 Licence 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.

#### **13.0 Effective Date and Transitional Provisions**

- 13.1. This By-law shall come into full force and effect upon enactment of the By-law at which time all By-laws that are consistent with the provisions of this By-law and the same are hereby repealed insofar as necessary to give effect to the provisions of this By-law.
- 13.2. Zoning By-law Conformity:
- 13.2.1. A Property that is subject to a use that is not in conformity to the permitted uses of the Comprehensive Zoning By-law No. 140-2002, as amended, shall not be issued a Licence.
- 13.2.2. In the event that the Applicant for a Short Term Accommodation Licence pursuant to this By-law claims that the use as a Short Term Accommodation is a legal non-conforming use pursuant to Section 34(9) of the *Planning Act* or the Property that is subject to the application was used as a Short Term Accommodation dwelling at the time the By-law was passed by Council, the Applicant shall provide evidence that is satisfactory to the Licence Issuer together with a sworn Affidavit or Statutory Declaration from a qualified certified accountant which shall include but not be limited to the following information:
- i. The Property was being used as a Short Term Accommodation dwelling on or before June 14<sup>th</sup>, 2021, and occupancy capacity complies with the Property Maintenance and Occupancy (Property Standards) By-law;
  - ii. The nature and extent of the Short Term Accommodation use on or before June 14<sup>th</sup>, 2021, so as to determine if the use has changed, enlarged, expanded or increased since this date; and,
  - iii. The Property has not for a duration of 1-year or more prior to June 14<sup>th</sup>, 2021, stopped being used as a Short Term Accommodation.
- 13.3. Short Term Accommodations legally existing on the date of passage of this by-law shall have until December 31, 2022, to obtain a Licence, after which

a Licence will be granted under full regard and effect to this By-law as though the lot was never used as a Short-Term Accommodation rental.

- 13.4. Notwithstanding density restrictions of the Comprehensive Zoning By-law, a Licence will be issued:
- 13.4.1. for Short-Term Accommodations that were making use of legally non-conforming and legally non-complying buildings and uses; and,
  - 13.4.2. for conforming and complying buildings and uses.
- 13.5. To ensure density limits of Short-Term Accommodation rentals as established in the Comprehensive Zoning By-law No. 140-2002 is not exceeded, no new Whole-home Short Term Accommodation rental is permitted to be licenced until January 1<sup>st</sup>, 2023.

#### **14.0 Severability**

- 14.1. If a Court of competent jurisdiction declares 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 herein is so declared that the remainder of the by-law shall be valid and shall remain in force.

#### **15.0 Schedule**

- 15.1. Schedules “A”, “B”, “C”, “D” and “E” as attached, forms part of this by-law.

#### **16.0 Municipality Not Liable**

- 15** The Municipality 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.**Authorization**

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

#### **18.0 Repeal**

- 18.1. The Ministry of the Attorney General may approve the set fines as identified in Schedule “B” and “C” of this By-law, without further amendment to this By-law.

#### **19.0 Date of Taking Effect**

- 19.1. This By-law shall take effect on the date when Official Plan Amendment No. 8 as adopted by the Municipality of Brighton through By-law No. 0094-2021 has been finally approved by the County of Northumberland.
- 19.2. As per Section 19.1, the Clerk shall record such date herein: April 12, 2022.

**Read a first, second and third time and finally passed** this 14<sup>th</sup> day of March 2022.

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Brian Ostrander, Mayor

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Candice Doiron, Clerk

## **Schedule `A`**

### **Short-Term Accommodation Rental**

#### **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 Accommodation Rental premises are permitted in residential neighbourhoods and that the permanent residents of these neighbourhoods have the right to enjoy their own properties without nuisance. This Code outlines specific requirements for Short-Term Rental Accommodations and imposes responsibilities for both Owners and Renters of such properties. 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 the 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 Accommodation Rental that is located in a residential area.

##### **4. Guiding Principles**

The guiding principles for Short-Term Accommodation Rental 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 Accommodation Rental premises shall be limited to two (2) persons per guest room/bedroom/den as per Sections 3.7 and 3.8 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 Municipality 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 Accommodation Rental 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 Nuisance and 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 County of Northumberland’s Waste Management By-law. Waste collection information and pick up times are available on the County of Northumberland’s website.

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

Note: Maximum occupancy of a Short-Term Accommodation Rental 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 Municipality of Brighton 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 Licence, 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.

\_\_\_\_\_  
**Signature of Applicant for Licence**

\_\_\_\_\_  
**Date**

**Schedule “B”**

**The Corporation of the Municipality of Brighton  
Part I - Provincial Offences Act**

**By-Law No. 032-2022 – Short-Term Accommodation Rental By-law**

<b>Item</b>	<b>Short Form Wording</b>	<b>By-law Provision</b>	<b>Set Fine</b>
1	Operate without a licence	3.4	\$400.00
2	Advertise unlicensed Short-Term Accommodation Rental	3.5	\$400
3	Violate the renters code of conduct	4.7	\$400
4	Licencee rents unapproved room	3.7, 3.13.2	\$500
5	Operate in contravention of a Municipal Agreement	3.6	\$500
6	Operate in contravention to a Provincial Restriction or Order	3.14	\$500
7	Fail to permit an inspection	12.2	\$500
8	Hinder or obstruct any person from performing their duty	12.8	\$500
9	Licencee fail to provide contact information	3.9, 7.1.2	\$350
10	Fail to comply with Order	12.16	\$500

**NOTE: The general penalty provision for the offences listed above is Section 12.0 of By-law \_\_\_\_ - 2022, as amended, a certified copy of which has been filed.**

**Schedule "C"**

**The Corporation of the Municipality of Brighton**

**Part II - Provincial Offences Act**

**By-Law No. 032-2022 – Short-Term Accommodation Rental By-law**

<b>Item</b>	<b>Short Form Wording</b>	<b>By-law Provision</b>	<b>Set Fine</b>
<b>1</b>	Fail to comply with an approved Life Safety Plan	<b>4.8</b>	<b>\$350.00</b>
<b>2</b>	Fail to park a vehicle on a hard surfaced driveway	<b>5.3.18</b>	<b>\$350.00</b>
<b>3</b>	Fail to park in accordance with an approved Parking Management Plan	<b>5.1.3, 5.3.2</b>	<b>\$350.00</b>
<b>4</b>	Fail to install or maintain in accordance with Nuisance and Property Management Plan	<b>5.1.3</b>	<b>\$350.00</b>
<b>5</b>	Fail to install or maintain in accordance with an approved Good Host Property Standards Design	<b>5.1.3</b>	<b>\$350.00</b>

Schedule "D"

The Corporation of the Municipality of Brighton  
Special Event Notification Form

By-Law No. 032-2022 – Short-Term Accommodation Rental By-Law  
Special Event Notification Form

Municipal \_\_\_\_\_ Address:

Licence \_\_\_\_\_ Owner:

Date \_\_\_\_\_ of \_\_\_\_\_ Event:

Description of Event:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number \_\_\_\_\_ of \_\_\_\_\_ Persons \_\_\_\_\_ Attending:

I **will not** be hosting paid guests on site for this event.

I **will** be hosting paid guests on site for this event.

**Please be advised that this form is required to be submitted to the Municipal Clerk no later than seven (7) days prior to the scheduled event.**

**Schedule "E"**

**The Corporation of the Municipality of Brighton  
- Offence Demerit Points**

**By-Law No. 032- 2022 – Short-Term Accommodation Rental By-law**

<b>Item</b>	<b>Short Form Wording</b>	<b>By-law Provision Inflicted</b>	<b>Demerit Point Assigned</b>
1	Violate the Renters Code of Conduct	4.7	1
2	Non-adherence to Parking Management Plan	5.1.3, 5.3.2	1
3	Non-adherence to Nuisance and Property Management Plan	5.1.3	1
4	Non-adherence with Life Safety Plan	4.8, 5.3.5, 5.3.16	2
5	Non-adherence with Good Host Property Standards Design	5.3.2	1