



**BY-LAW NUMBER 180-2004
OF THE CORPORATION OF
THE CITY OF STRATFORD**

Being a By-law to license, regulate and govern accessory guest rooms, and bed and breakfast establishments in the City of Stratford.

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

AND WHEREAS section 150 of the Act allows a municipality to license, regulate and govern any business wholly or partially carried on with the Municipality, even if the business is being carried on from a location outside the Municipality;

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

- a) prohibit the carrying on or engaging in the business without a licence;
- b) refuse to grant a licence, or revoke or suspend a licence;
- c) impose conditions as a requirement of obtaining, continuing to hold, or renewing a licence;
- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold, or renew a licence;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- f) 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(1) of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality passed under the *Municipal Act, 2001*;

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

AND WHEREAS the Council of The Corporation of the City of Stratford has deemed it necessary and expedient to regulate and License Bed and Breakfast Establishments and Accessory Guest Rooms;

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

Definitions

Unless otherwise specifically defined in any part of this By-law:

"Administrative Penalty" means an administrative penalty administered pursuant to the Administrative Penalty Process By-law;

"Administrative Penalty Process By-law" means a by-law of The Corporation of the City of Stratford being "A By-law to Establish a Process for Administrative Penalties;"

"Agent" means a Person authorized in writing by an Owner to act on the Owner's or group of Owner's behalf;

"Appeals Committee" means a Committee or Tribunal duly appointed by by-law to conduct hearings under this By-law;

"Applicable Law" means any statute, rule, requirement, demand, order, direction, guideline, ordinance, by-law, policy or regulation of the federal, provincial, municipal government, governmental authority or agency as may be applicable to the operation of the Short-Term Rental;

"Applicant" means the person applying for a licence or renewal of a licence under this by-law and "application" has corresponding meaning;

"Accessory Guest Room" means a habitable room intended for sleeping accommodation, with or without meals, that is provided for a fee and that is clearly incidental, secondary and subordinate to the single detached dwelling within which it is situated.

"Bed and Breakfast Establishment" means a single detached dwelling of an owner, being an owner in fee simple or as joint tenants or tenants in common, who resides therein as their principal residence, and resides therein during the time the bed and breakfast establishment is operating, and containing at least one (1) bedroom for their exclusive use and containing at least two (2) accessory guest rooms for the purposes of supplying temporary living accommodation to the public, for a fee, or a bed and breakfast establishment legally established under a predecessor zoning by-law of the City of Stratford. For the purposes of this definition an owner may be a corporation of not more than two (2) shareholders who reside therein as their principal residence.

"Officer" means a peace officer, Municipal Law Enforcement Officer, the Fire Chief or their designate, Chief Building Official or their designate, or other Person appointed by By-law to enforce the provisions of this By-law.

"Provincial Offences Act" means the *Provincial Offences Act*, R.S.O. 1990, c.P. 33, and all regulations thereto, as may be amended from time to time, or any successor thereof;

"Single Detached Dwelling" means a dwelling containing not more than one (1) dwelling unit.

General Provisions

1. No person shall use a building or operate as an Accessory Guest Room or Bed and Breakfast establishment unless they hold a valid licence issued by the City of Stratford pursuant to this by-law.
2. No person shall operate or permit to operate an Accessory Guest Room or Bed and Breakfast establishment in a building with more rooms than is authorized by the City of Stratford and as shown on the valid licence issued for the establishment and as set out in the City's Comprehensive Zoning By-law as may be amended and updated from time to time.
3. Each owner of an Accessory Guest Room or Bed and Breakfast establishment shall apply to the City of Stratford before March 31st each year for an annual licence.
4. In order to obtain a licence to rent rooms within a building, the owner must comply with the following requirements:
 - (a) Pay the required licence fee as per Schedule "A" attached to this by-law at the time of applying for an annual licence.
 - (b) An application for an Accessory Guest Room or Bed and Breakfast establishment licence shall be submitted to the City of Stratford Municipal By-law Division and shall include:
 - i) a plan drawn to scale suitable to the City of Stratford Chief Building Official, or designate, (preferably a Plan of Survey) and will include:
 - ◆ the location of the house on the property with setbacks indicated from all property lines,
 - ◆ the location and dimension of the driveway,
 - ◆ driveway access to the required parking spaces,
 - ◆ the location and dimensions of the backyard landscaped open space,
 - ◆ location and dimensions of parking spaces
 - ii) the applicant will provide to the Chief Building Official or designate, proof of separate liability insurance coverage for their Bed and Breakfast establishment for a minimum of Two Million Dollars (\$2,000,000) for the period covered by the licence, or such other amount as determined by the City from time to time as approved by Council and,
 - iii) the applicant will provide to the Chief Building Official or designate, a floor plan to identify the rooms, which are to be licenced by name, number or physical description and location, and to identify the bedrooms for the exclusive use of the owner, and,
 - iv) the applicant will provide to the Chief Building Official or designate a list of motor vehicles that are used by the permanent residents of the licenced premises along with the license plate numbers of the said vehicles, and,
 - (c) The number of licenced rooms shall be limited to the number of dedicated parking spaces available and the number of bedrooms available. Dedicated parking spaces shall be determined by subtracting the total spaces used by the Licencee (resident's vehicles) from the total number of spaces available.

The total number of parking spaces available must be shown on the plan submitted with the application.

5. Upon confirmation that the Accessory Guest Room or Bed and Breakfast establishment complies with all Applicable Laws including but not limited to the City of Stratford Zoning By-law, with the *Ontario Building Code*, with the *Ontario Fire Code* with the *Ontario Health Protection and Promotion Act*, the Chief Building Official or designate shall issue a licence, which shall expire at midnight on March 31st of the following year. Licence applications for renewals of licences received after March 31st of the following year, shall be subject to an additional late filing fee as prescribed in Schedule 'A' herein.
6. Subject to written approval from the Chief Building Official or designate and payment of a transfer processing fee as prescribed in Schedule 'A' herein, a licence issued under Section 5 of this By-law may be transferred to a new owner of the same property, for the same number of rooms and without any changes to the property, within the current term in which the licence is issued.
7. In addition to compliance with all of the aforementioned provisions of this By-law, the City of Stratford Zoning By-law, *Ontario Fire Code*, *Ontario's Health Protection and Promotion Act* and the *Ontario Building Code*, the Accessory Guest Room or Bed and Breakfast establishment shall also be operated in compliance with the following provisions:
 - a) Only signs in accordance with the City of Stratford Sign By-law, indicating that the building is a Bed and Breakfast shall be displayed.
 - b) Each owner must keep a daily guest register that has a separate date on each page with enough space provided for each guest to register in a designated room. The daily guest register must contain the guest's assigned room number, name, home address, home phone number, date and duration of stay, and number of guest vehicles.
 - c) The owner, upon request from the Chief Building Official, or designate, shall provide the daily guest register for inspection. The Chief Building Official or designate may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.
 - d) Each owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on the road allowance, and,
 - e) A copy of the valid licence must be posted by the owner in a prominent and visible place in the home at all times and in each licenced room, while licenced.

Revoking of Licence

8. The licence to operate an Accessory Guest Room or Bed and Breakfast establishment may be revoked by a resolution of Council for any breach of the provisions of this By-law.

City Council, in considering whether or not to grant a licence, or to revoke or suspend a licence, shall have regard to the following:

- a) whether or not the Applicant or Licencee and the premises in connection with the carrying on of a business that is licenced pursuant to this By-law, complies with all requirements of this By-law;
- b) whether or not the Applicant or Licencee has failed to promptly remedy any reasonable concern with regard to those matters set out in this By-

law or has committed past breaches of this By-law;

- c) whether or not the Applicant or Licencee has failed to comply with any requirements of any other applicable By-law of the City or of any local board thereof, or of any statute, Orders-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the licenced activity of the business or place of business, facilities, equipment, vehicles and other property used or kept for hire in connection with the licenced activity;
- d) whether or not the Applicant or Licencee or their tenant has any outstanding taxes or fees owing to the City in respect of the business or place of business in question.
- e) has past breaches of this By-law;
- f) has any outstanding fines or penalties imposed under the *Provincial Offences Act* for the contravention of any provision of this By-law or any other municipal by-law or Provincial Statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business;
- g) where City Council believes it is in the public interest to do so.

Appeals Procedure

9. Where the Officer refuses to issue or renew a Licence or where the Officer elects to suspend or revoke a Licence:
 - a) The Officer shall send written notification advising the Applicant or Licensee of the refusal, suspension, or revocation of the Licence;
 - b) The written notification of the Officer shall be sent by registered mail or e-mail to the Applicant or Licensee at the address of the Applicant or Licensee provided on the Application, or where a change of information has been provided by the Applicant or Licensee regarding address, at the address reflecting that change in information;
 - c) The written notification by the Officer shall:
 - i. Set out the grounds for the refusal, suspension, or revocation;
 - ii. Sign the written notification;
 - iii. Indicate the final date and time by which the Applicant or Licensee may appeal the decision of the Officer to suspend, revoke, refuse to issue or renew the Licence, and the method for doing so, as set out in this By-law; and,
 - iv. Indicate the hearing of appeals fee, as set out in the City's Fees and Charges By-law, as amended from time to time; and
 - d) The Applicant or Licensee may appeal the decision of the Officer to suspend, revoke or refuse to issue or renew the Licence, by filing a written request with the City Clerk, which request must set out the

grounds or basis for the request, and must be received in the Clerks Department no later than 4:00 pm on the fourteenth (14th) calendar day from the date on the notice is deemed received by the Applicant or Licensee. Such notice shall be deemed received five (5) business days after it has been mailed or on the following business day after it has been emailed;

- e) The Applicant or Licensee shall have no right to appeal the decision of the Officer to suspend, revoke, or refuse to issue or renew the Licence as a result of a Fire Code or Building Code violations. Such appeal of the Fire Code or Building Code violations are subject to the appeal rights as set out in the *Building Code Act* and/or the *Fire Protection and Promotion Act*.
10. If no written request for an appeal is received from the Applicant or Licensee prior to the deadline for filing such appeal:
- a) no extension of the time to request an appeal or hearing will be granted; and,
 - b) the decision of the Officer shall be final.
11. The fee payable by the Owner or Licensee for the hearing shall be set out in the City's Fees and Charges By-law, as amended.

Hearing of Appeals

12. Upon receipt of a written request for a hearing and the required fee for the hearing received from the Applicant or Licensee, in accordance with the terms and conditions of this By-law the Appeal Committee shall:
- a) fix a date and time for such matter to be heard by the Appeal Committee within a period of sixty (60) days of receipt of the appeal; and,
 - b) send by registered mail or hand delivery or email the notice of hearing which shall include the date, time, and location of the hearing, at least fifteen (15) prior to the date and time fixed for such hearing, to the Applicant or Licensee, the Officer or any other Person who has requested such notification in writing from the Appeal Tribunal.

Hearing Procedure

13. The following procedure shall be followed for appeals relating to the refusing, suspending, or revoking of any Licence under this By-law:
- a) The Appeal Committee or its designate shall circulate copies of all reports from any Persons who may be involved in the matter, to the Applicant, Licensee or any other Person to whom notice of the hearing has been given;
 - b) the Applicant or Licensee, either personally or through an agent or legal counsel, shall be afforded an opportunity to present such material and evidence relevant to the issue before the Appeal Committee, and may ask any questions of any Person presenting evidence, relating to the evidence presented;

- c) The Officer of the City either through its legal counsel or representative shall be afforded an opportunity to present such material and evidence relevant to the issue before the Appeal Committee, and may ask any questions of any Person presenting evidence, relating to the evidence presented;
 - d) The Appeal Committee may afford any other Person who has a direct interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before the Appeal Committee;
 - e) The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990. c.S. 22, as amended, or any successor thereof, shall apply to all hearings, conducted by the Appeal Committee under this By-law; and,
 - f) Any Person presenting evidence relevant to the hearing must be present to answer questions in relation to that evidence.
14. In the event that the Applicant or Licensee who has been sent notice of the hearing does not appear at the scheduled time and place of the hearing, the Appeal Committee may proceed with the hearing in absence of the Applicant or Licensee and if so, the Applicant or Licensee shall not be entitled to any further proceeding or further notice of proceedings.
 15. At the conclusion of a hearing, the Appeal Committee may give its decision orally or reserve its decision, but in any case, the Appeal Committee or its designate shall provide its decision in writing and shall set out the reasons for the decision, within thirty (30) days of the hearing to the Applicant or Licensee and the Officer.
 16. The Appeal Committee, in making its decision, may uphold or vary the decision of the Officer, or impose conditions, including special conditions as a requirement of continuing to hold a License.
 17. The decision of the Appeal Committee issued under this By-law is final.

Enforcement

18. The provisions of this By-law may be enforced by an Officer, or other authorized or designated employee or agent of the City.
19. No Person shall obstruct or hinder or attempt to obstruct or hinder an Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this By-law.
20. Subject to the provisions set out below, every Officer shall have the right to enter lands to conduct an inspection to determine whether the provisions of this By-law and any order(s) issued hereunder are being complied with in accordance with the provisions of Sections 435 and 436 of the *Municipal Act*.
21. Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person.
22. Failure to provide proof of identification satisfactory to an Officer when requested to do so pursuant to the provisions of this By-law shall constitute obstruction of an Officer under this By-law.
23. No Person exercising a power of entry on behalf of the City shall enter or remain in any room or place actually being used as a Short Term Rental unless such power of entry is in compliance with Applicable Law.

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

Orders

25. In the event that the City's designate and/or an Officer determines that a Person has contravened any provision of this By-law, an Order may be made requiring the Person who contravened the By-law or who caused or permitted the contravention, to discontinue the contravening activity and take any reasonable steps to correct the contravention.
26. No person shall fail to comply with an Order issued pursuant to the provisions of this By-law.
27. An order issued pursuant to the provisions of this By-law shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - b) the steps that must be taken to correct the contravention and the date by which there must be compliance with the order.
28. If a Person fails to do a matter or thing as directed or required by this By-law, including failing to comply with an order issued under this By-law, the City may do the matter or thing at the Person's sole costs and expense. The City may recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the Person's tax roll and collecting them in the same manner as and like property taxes.

Offence and Penalty Provisions

29. Every Person who contravenes any provision of this By-law, including any Schedule hereto, is guilty of an offence;
30. Every Person, director or officer of a corporation who knowingly is involved in or aware of the contravention by the corporation of any provision of this By-law, including any Schedule hereto, is guilty of an offence.
31. Every offence under this By-law is designated as a continuing offence.
32. An Officer who finds that a Person has contravened a provision of this By-law may issue a penalty notice pursuant to the City's Administrative Penalty By-law. Administrative Penalty By-law applies to each administrative penalty issued pursuant to this By-law.
33. Notwithstanding section 26 above, every Person who contravenes any provision of this By-law is guilty of an offence as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and all such offences are designated as continuing offences.
34. Every Operator, officer or director of a corporation who knowingly concurs in the contravention of any provision of this By-law or the failure to comply with an order issued under this By-law is guilty of an offence as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and all such offences are designated as continuing offences.
35. Upon conviction, every Person, and every officer or director of a corporation that contravenes any provision of this By-law is liable, for each day or part of a day that the offence continues, to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

36. 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.
37. As provided in section 431 of the *Municipal Act, 2001*, if a Person has been convicted of an offence under this By-law, the Ontario Court of Justice or any Court of competent jurisdiction may, in addition to any penalty imposed on the Person convicted, issue an order:
 - a) prohibiting the continuation of the offence by the Person convicted; and
 - b) requiring the Person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.
38. If a Person is required to pay an Administrative Penalty under the provisions of this By-law, the Person shall not be charged with an offence in respect of the same contravention.
39. In accordance with the provisions of the *Municipal Act, 2001*, the treasurer of the City may add unpaid fees, charges, and fines under this By-law to the tax roll and collect them in the same and a like manner as property taxes.
40. The terms used in this By-law shall have the same definition as set out in the City's Comprehensive Zoning By-law unless such term is specifically defined in this By-law.
41. Pursuant to section 447 of the *Municipal Act, 2001*, where an owner is convicted of knowingly carrying on or engaging in the business of operating a Short Term Rental in respect of any Property or any part of any Property without a License required by this By-law, or a person is convicted of any other contravention of this By-law and a court determines that the owner or occupant of the Property or part of the Property in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the Property or part of the Property be closed to any use for a period not exceeding two (2) years.

Conflict and Severability

42. If any portion of this By-law of the City is found to be in conflict with any other provision of any building, fire, safety or other By-law of the City or regulations, the provision which establishes the higher standard shall prevail.
43. If a court of competent jurisdiction declares any provision or any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

Schedule

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

Effective Date

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

REPEAL

46. By-law 243-2001 and all of its amendments are repealed effective December 31, 2004.

Read a FIRST, SECOND and THIRD TIME and

FINALLY PASSED this 13th day of December, 2004

“Daniel Mathieson”
Mayor – Daniel B. Mathieson

“Joan Thomson”
City Clerk – Joan Thomson

**This is Schedule "A" to By-law 180-2004
of
The Corporation of the City of Stratford**

Fees with CPI Adjustments

Item	Annual Licence Fees *
Licence Fee	Minimum of \$152.00 per licence, and the following applicable amount: \$91.00 per additional room
Late Filing Fee	\$51.00 per application
Transfer processing Fee	\$25.00 per application
Expiry Date	Annual licence expires at midnight on March 31 of the following year

HST is not applicable to these annual licence fees.

*These rates shall automatically increase and be rounded to the nearest dollar on the first day of January each year by the percentage increase in the CPI. CPI means the twelve-month average of Total Consumer price Index as published by Statistics Canada in November, using the most current October to October rates.