



## **SPECIAL MEETING NOTICE / AGENDA**

The Council of the Municipality of Magnetawan will hold a special meeting of Council on


**WEDNESDAY OCTOBER 2, 2024, AT 1:00 PM**

at the Magnetawan Community Centre, 4304 Hwy 520, Magnetawan  
with the following agenda:

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1. **CALL TO ORDER**
2. **ADOPTION OF THE AGENDA**
3. **DISCLOSURE OF PECUNIARY INTEREST**
- 2 4. **DRAFT BY-LAW SHORT-TERM ACCOMMODATION**
5. **ADJOURNMENT**

Please direct any questions to  
CAO/Clerk Kerstin Vroom: [clerk@magnetawan.com](mailto:clerk@magnetawan.com) or (705) 387-3947

 <p>Municipality of Magnetawan</p>	<b>REPORT TO COUNCIL</b>
<b>To:</b>	Mayor and Council
<b>From:</b>	Erica Kellogg, Deputy Clerk Planning and Development
<b>Date of Meeting:</b>	September 25 <sup>th</sup> , 2024
<b>Report Title:</b>	Short-term Accommodation By-law

**Recommendation:** That Council for the Municipality receives this report for information purposes.

**Background:** After the inaugural year of licencing, Staff put forth the following changes to the By-law in an effort to better tailor the requirements of licencing to properties within the Municipality.

**Evaluation:**

The number of licenced STAs in 2024 is lower than anticipated due to reasons explored further in the report. The current By-law provides for 170 licences to be issued, reducing the amount to 70 will capture those STAs licenced in 2024 while also providing growth opportunities for new licences to be approved. With the limited traditional accommodation properties, the suggested change in total annual licences will address the accommodation shortfall.

Staff observed in 2024 a number of licence applications that included an accessory structure as part of an operating STA. The 2024 by-law does not permit Staff to issue a licence to an operator while also permitting the inclusion of said accessory structure. The exclusion of accessory structures impacted the total number of licences issued in 2024. Therefore, some accessory structures could be included in the STA rental. When renting out the primary cottage, legal, permitted accessory structures could be included in the rental package. For example, permit a second storey boat house, bunkie or residence above a garage to be rented when the primary residence is rented. The existing by-law includes a provision limiting the total occupancy of renters/guests to 10 (ten), the inclusion of some accessory structures should not negatively impact owners since maximum occupancy will remain status quo.

Staff observed in 2024 STA applications that requested to rent accessory structures as a standalone STA, meaning the residence was not included in the rental. As noted above the 2024 by-law does not permit Staff to approve an STA licence for accessory structures. Including legal, permitted accessory structures to be standalone STAs may increase the number of licences issued annually. This revision would permit a property where the owner occupies the primary residence to offer the accessory structure for Short-term Accommodation. Generally speaking, these additional accessory structures are smaller in size, thus a reduction in the permitted total occupancy in this circumstance is suggested at a maximum over night occupancy of renters based on the total number of permitted bedrooms indicated on the septic and/or building permit plus an additional two guests (not overnight).

The number of issued STA licences in 2024 was less than anticipated primarily due to the existing 2024 provision that permits operators to offer an STA absent a licence if operating for less than three, seven consecutive days. This provision was included in the current by-law to preserve historical family rentals that have taken place for generations, wherein the total number of rentals in a calendar year was within the limited duration. In actuality, the exemption has provided an opportunity to rent under the guise of the exemption. Staff as well as the third-party monitoring company have received calls/emails from residents abutting unlicensed operating STAs, indicating rentals taking place throughout the summer. In response to these calls/emails, Staff provided the property owner information pertaining the requirement of licencing, to which the owner will indicate they are renting less than three weeks. The information provided within the calls/emails contradicts the claim by the operator. The inclusion of the exemption in the 2024 by-law is the primary indication for the reduced number of licences issued, the removal of the provision may address these concerns.

Many applications received in 2024 indicated water is drawn from abutting lakes. In these situations, Public Health does not provide testing for non-potable water and the applicant wasn't able to appease the licence provision. Licences for these properties required notice be posted that the water onsite was not potable. Staff put forth the inclusion of this revision to address properties that utilize surface water.

The current by-law requires an approved Fire Safety Plan for STAs operating at the maximum capacity. Revising the by-law to require all applications to submit and post a Fire Safety Plan on site supports the over all goal of the licencing program, that being creating safe rental properties for tourists.

Through the process of issuing 2024 STA licences, information from insurance providers had confirmed that some providers will not give the required notice to the Municipality. A revision to the insurance clause in which if notification cannot be provided, the applicant must provide confirmation from their insurance company indicating so and require the operator to provide notice to the Municipality of any substantial changes such as lapse or expiry.

**Financial Implications:** If Council approves the reduction in approved annual licences, there will be a similar reduction in licencing fees potentially collected by the Municipality. However, if the revisions are approved, the number of total licences issued in 2025 may increase.

**Conclusion:**

The STA by-law has been received well by licenced operators and generally speaking any complaints or concerns brought forward by residents were directed to unlicensed STAs. The revisions put forward, if approved, have the ability to increase the total number of licences issued annually for the Municipality.

Respectfully Submitted,



Erica Kellogg  
Deputy Clerk – Planning and Development

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN**  
**BY-LAW NO. 2025-**

**BEING A BY-LAW TO LICENSE AND REGULATE THE USE OF SHORT-TERM ACCOMMODATION  
PROPERTIES IN THE MUNICIPALITY OF MAGNETAWAN**

**WHEREAS** *Section 8 of the Municipal Act, 2001, S.O. 2001, c.25* provides that the powers of the Municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** *Section 9 of the Municipal Act, 2001, S.O. 2001, c.25* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising authority under the *Municipal Act, 2001, S.O. 2001, c.25* and any other Act;

**AND WHEREAS** *Section 390 to 400 of the Municipal Act, 2001, S.O. 2001, c.25* enables a municipality to pass By-laws for imposing fees or charges to permits and services provided or done by them;

**AND WHEREAS** pursuant to *Section 434.1 of the Municipal Act, 2001, S.O. 2001, c.25*, a municipality has the authority to impose a system of administrative monetary penalties and fees as an additional means of encouraging compliance with this by-law;

**AND WHEREAS** *Section 434.2 of the Municipal Act, S.O. 2001, c. 25*, as amended provides that an Administrative Monetary Penalty imposed by the Municipality of a person constitutes a debt of the person to the Municipality and may be added to the Owner's tax roll and collected in the same manner as property taxes;

**AND WHEREAS** *Section 23.1 of the Municipal Act, 2001, S.O. 2001, c.25*, authorizes a municipality to delegate its powers and duties;

**AND WHEREAS** *Section 151 of the Municipal Act, 2001, S.O. 2001, c.25*, authorizes Council to exercise its authority to provide a system of licensing with respect to Short-term Accommodation businesses;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Magnetawan enacts as follows;

## 1. DEFINITIONS:

**"Accessory Building or Structure"** means a detached building or structure where the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use of the main building on the same lot but does not include a trailer, travel or tent trailer of any kind as described within the Municipality's current Zoning By-law regardless of ownership.

**"Approved Occupancy"** means the occupancy of two persons per bedroom as noted on the approved septic permit subject to the property.

**"Bed and Breakfast"** means an owner-occupied residential Dwelling Unit where a bedroom(s) is offered for rent and includes meals.

**"Bedroom"** means a room offered for Short-term Accommodation intended primarily for overnight occupation, which complies with the standards for a bedroom, as set forth by the Ontario Building Code Act 1992, S.O. 1992, c.23, and/or a room with one or more beds, murphy beds, pullout beds, sofa beds, day beds, futons or similar places for sleeping.

**"Council"** means the Council of the Corporation of the Municipality of Magnetawan.

**"Declared Emergency"** as defined in the *Emergency Management and Civil Protection Act, R.O.S. 9* as a situation or an impending situation that constitutes a danger of major proportion.

**"Demerit points"** means points that are approved under this By-law, applied to a subject property upon successful determination of an alleged violation. These points will be tracked and kept on file as to ensure compliance with the by-law. The Short-term Accommodation Licence may be revoked or reinstated based on the status of the demerit points applied against the subject property.

**"Dwelling Unit"** means a suite operated as a housekeeping unit, used or intended to be used by one or more persons which contains living, sleeping, sanitary facilities, and kitchen facilities, having a private entrance from outside the building or from a common hallway or stairway inside or outside the building. For the purpose of this By-law, a Dwelling Unit generally includes a house or cottage and but shall not include a legal accessory structure with or without habitable quarters, but shall not include tent, trailer, park model trailer, mobile home, vehicle, watercraft, yurt, guest cabin, room or suite of rooms in a boarding or rooming house, hotel, motor home, or similar.

**"Fee"** means a Fee as set forth in the Municipality of Magnetawan Fees and Charges Bylaw as amended from time to time, which is not prorated and is non-refundable.

**"Guest"** means any person on the property who is not utilizing the property for overnight accommodation. For the purposes of this By-law, a Guest does not include a child under the age of (2) two years old at the time the Short-term Accommodation is utilized by the parent or guardian.

**"Licence"** means the licence issued under this By-law as proof of licensing under this By-law.

**"Licensed"** means to have in one's possession a valid and current Licence issued under this By-law and "Unlicensed" has the contrary meaning.

**"Licensee"** means the Owner of a Property who holds a Licence or is required to hold a Licence under this By-law for that Property;

**"Licensee Attestation"** means a document that has been prepared by the Municipality that prescribes the roles and responsibilities of the Licensee, including but not limited to, behavioural expectations as they relate to non-disturbance of neighbours;

**"Officer"** means a Municipal By-law Enforcement Officer, Chief Building Inspector, Building Official, Fire Prevention Officer, Fire Chief, Police Officer or other person appointed by by-law to enforce the provisions of Municipal by-laws.

**"Owner"** means the Person(s) holding title to the Property where the Short-term Accommodation is located, and "Ownership" has a corresponding meaning.

**"Parking Area"** means an area on the Property 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.

**"Property"** means the land upon which a Short-term Accommodation is operated, exclusive of buildings or structures or any part thereof.

**"Renter"** means a person responsible for the rental of the Property by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement.

**"Responsible Person"** means an Owner or a Person, eighteen (18) years of age or older, duly appointed by an Owner to act on its behalf, and being responsible for ensuring the Short-term Accommodation is operated in accordance with the provisions of this By-law, the Licence and applicable laws;

**"Short-term Accommodation" (STA)** means the commercial use of a residential Dwelling Unit that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, licence, rental agreement or similar arrangement whether written or verbal for fewer than twenty eight (28) consecutive calendar days throughout all or part of the year. Short-term Accommodation uses shall not mean a motel, hotel, bed and breakfast establishment, tourist establishment, tourist cabin establishment, or similar commercial accommodation use.

**"Municipality"** means The Corporation of the Municipality of Magnetawan;

**"Zoning By-law"** means the Municipality's Comprehensive Zoning By-law, as amended from time to time, or any successor comprehensive Zoning By-law, as amended.

## 2. APPLICATIONS

2.1 The requirement of this By-law applies to the business or occupation of providing Short-term Accommodation within the geographic limits of the Municipality of Magnetawan.

2.2 Persons who own, operate or offer a premises for Short-term Accommodation as of the effective date of this By-law, must file an application, for a Licence under this By-law.

2.3 The determination of whether a Licence application is "complete" in accordance with this By-law shall be within the discretion of the Municipality.

2.4 This By-law does not apply to a motel, bed and breakfast establishment, institutional establishment, tourist establishment, tourist camping establishment, resort or similar commercial or institutional use as defined in the Municipality's current Zoning By-law.

2.5 As of October 1<sup>st</sup> applicants may apply for a licence which will be valid as of January 1<sup>st</sup> of the following calendar year, provided the requirements for a licence found in Section 6 of this By-law have been met.

2.6 Licences will be issued to complete applications on a first come first serve basis during the inaugural year.

2.7 For each year following the inaugural year, Licences will be issued to complete applications on a first come first service basis with priority being given to licensees with a valid licence for the previous year.

2.8 A total of licences **170 70** will be issued annually and no new licences will be issued until the number of licences falls below **170 70**. For the purposes of this Section, a licence shall not be considered active if it has been revoked.

### 3. GENERAL PROVISIONS:

~~3.1 Short-term Accommodation properties renting for less than three (3), one (1) week rentals within a calendar year are exempted from the requirement to obtain a licence.~~

3.2 Only one Licence per property **per structure** shall be issued to a property owner(s).

3.3 Short-term Accommodations may include the use of legal, permitted accessory structures when the primary residence is included in the Short-term Accommodation rental.

3.4 Short-term Accommodations may include the use of a legal, permitted accessory structure as a standalone rental when the primary residence is owner occupied at the time of the Short-term Accommodation rental.

~~No person shall use an accessory building or structure as Short-term Accommodation.~~

3.4 Issued Licences shall be posted on the Municipal website, the Short-term Accommodation Municipal Mapping and shall include:

- a) Status of licence;
- b) Owner(s) name;
- c) Property address;
- d) Responsible Person's name and contact information;**
- e) Demerit points applied to the property;
- f) Number of approved Bedrooms;
- g) Approved Occupancy; and
- h) Any other information deemed needed by the Municipality.

3.5 The Responsible Person identified on the Licence shall either attend the Property or contact the Renter at the request of the Municipality or a representative of the Municipality within the required time to address any complaints regarding the use of the property.

3.6 A Licensee shall ensure that any listing, advertisement, or publication etc. of the Short-term Accommodation property includes the **current** corresponding Licence number issued by the Municipality.



3.7 The Licensee or the Responsible Person shall ensure all Renters and Guests are provided with waste diversion education, which shall include;

- a) Location of Municipal Landfill sites;
- b) hours of operation for Municipal Landfill sites;
- c) Municipally supplied waste diversion stickers for household waste;
- d) Education on clear bag use; and
- e) Education on the sorting of refuse and/or recycling for Landfill disposal.

All refuse and recycling shall be sorted accordingly and located either in wildlife resistant containers if stored outside (garage/shed) or appropriate containers if stored inside.

3.8 The minimum required **booking stay** for a Short-term Accommodation rental shall be no less than seven (7) consecutive days.

#### 4. PROHIBITIONS AND FAILURES:

4.1 No Person shall operate, use, advertise or permit a Short-term Accommodation if:

- a) the Short-term Accommodation is not Licenced;
- b) the rental occupancy ~~or use~~ is greater than the number of bedrooms approved by the North Bay Mattawa Conservation Authority Septic permit subject to the property; ~~additional sleeping spaces permitted by the Licence;~~
- c) there is a greater number of **combined** Renters and/or Guests than is permitted by the **by-law Licence**;
- d) if the operation of the Property is not primarily for residential purposes;
- e) information contained and provided within the application is inaccurate or false;
- f) operation is in contravention of the approved floor plan.

4.2 No Person shall fail to produce a copy of the signed Licence ~~or Short term Accommodation Licensee Attestation~~ upon the request of an Officer.

4.3 No Person shall fail to produce a Fire Safety Plan which shall be required for **every each** Short-term Accommodation property and shall be approved by the Chief Fire Official or **designate** and posted in a location approved by the Chief Fire Official and shall be reviewed annually by the Licensee.

4.4 No Person shall permit the maximum number of Renters to exceed two (2) Renters for each bedroom ~~and no more than two (2) additional occupants per additional sleeping space identified and approved as such~~ on the North Bay Mattawa Conservation Authority Septic permit ~~floor plans~~ submitted with the application for the Short-term Accommodation Licence, at any one time. For

the purpose of this Section, children under the age of two (2) years old, shall not be considered a renter.

~~4.5 No Person shall permit the maximum number of Guests to exceed one (1) Guest per bedroom/additional sleeping space approved as such on the floor plans submitted with the application for the Short term Accommodation Licence, at any one time. For the purpose of this Section, children under the age of (2) two years old, shall not be considered a guest.~~

4.6 No Person shall permit the maximum number of Renters and Guests on a Property at any given time, to exceed ten (10) regardless of the number of approved bedrooms and/or sleeping spaces.

~~4.7 No Licensee shall rent any room within the Property other than bedrooms and/or additional sleeping space that was identified and approved on the floor plans submitted with the application for the Short term Accommodation Licence.~~

~~4.8 No person shall offer a Short term Accommodation for no less than seven (7) consecutive days.~~

4.9 No Person shall contravene the requirements found in Section 7 of this By-law.

4.10 No person shall fail to comply with all applicable Municipal By-laws, Provincial and Federal Legislation, Electrical Safety Authority Regulations, North Bay Parry Sound District Health Unit, North Bay Mattawa Conservation Authority and any other applicable regulations or legislation.

4.11 No Licensee operating a Short-term Accommodation property that is not located on a Municipality maintained year-round road, shall fail to ensure all Renters and Guests are informed that emergency services may not be provided and how to access services should the need arise.

4.12 No Licensee operating a Short-term Accommodation property that is a water access only property, shall fail to ensure all Renters and Guests are informed that emergency services shall not be provided and how to access services should the need arise.

## 5. TERM OF LICENCE:

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

- a) December 31st of the year ~~valid;~~ issued; and/or

- b) Upon the sale or transfer of the Property. For clarity, a Licences are non-transferable cannot be assigned or transferred to another Person/cooperation; and/or
- c) The Licence has been revoked in accordance with the provisions of this By-law.

5.2 The Municipality shall have the right to extend any active Licence for up to one (1) calendar year after a declared emergency under the *Emergency Management and Civil Protection Act, R.O.S. 1990, c, E.9* has ended.

## 6. LICENSING REQUIREMENTS:

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

- a) A completed application in the form required by the Municipality;
- b) Every Owner's name, address, telephone number, and email address;
- c) Proof of Ownership for the Property;
- d) Every application shall have a Municipally approved civic address for emergency service purposes unless the subject property is water access;
- e) ~~Proof the Owner is at least eighteen (18) years of age; have to be 18 to own property~~
- f) Statutory declaration signed by each and every Owner stating that the Property is used primarily for residential purposes and that each and every Owner understands their responsibilities as a Licensee;
- g) A name and contact information of the Responsible Person who can be readily contacted within thirty (30) minutes and respond to the property at the request of the Municipality or a representative of the Municipality, within sixty (60) minutes;
- h) Proof that the installed septic system will support the property;
- i) A water sample result from the North Bay Parry Sound District Health Unit that is not more than three (3) months old. If the water source is non-potable water, applicant will be required to post on property at each water source, "non-potable water, not for drinking".
- j) A signed copy of the Short-term Accommodation Licensee Attestation for the Licensed property;
- k) Payment of the non-refundable applicable Fees as noted within the Municipality's Fees and Charges By-law;
- l) An exterior site diagram, drawn to scale of the Property identifying:
  - i. The location of all buildings and structures on the property;
  - ii. The exterior decks and related site amenities;
  - iii. The location of wells and all components of sewage systems;
  - iv. Location of the Parking Area with a minimum number of parking spaces as set out in the Zoning By-law; and
  - v. Waste diversion locations.
- m) An interior floor plan, drawn to scale of the Property identifying:

- i. The location of the electrical panel;
  - ii. The use of each room;
  - iii. The location of smoke and carbon monoxide alarms, and early warning devices;
  - iv. The location of fire extinguishers;
  - v. The location of all gas and electric appliances;
  - vi. The location of all fireplaces, fuel-burning appliances and **convection heaters**; and
  - vii. All entrances/exits to and from the building.
- n) Records of tests and maintenance of smoke and carbon monoxide alarms, early warning devices and fire extinguishers;
- o) A certificate of insurance which includes a liability limit of no less than five million dollars (\$5,000,000) per occurrence for Property damage or bodily injury. Such insurance policy shall identify that a Short-term Accommodation is being operated on the Property and name the Municipality of Magnetawan as an additional insured on their general liability. The insurance coverage required herein shall be endorsed to the effect that the Municipality shall be given at least thirty (30) days' notice in writing of any cancellation or material variation to the policy;

OR

a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000) per occurrence for Property damage or bodily injury. Such insurance policy shall identify that a Short-term Accommodation is being operated on the Property. The insurance coverage required herein shall be endorsed to the effect that the Municipality shall be given at least thirty (30) days' notice in writing of any cancellation or material variation to the policy or **or the homeowner shall be given at least thirty (30) days' notice in writing of any cancellation or material variation to the policy.**

- p) Where applicable, confirmation of inspection or certification as required below;
- i. An Electrical Systems Safety Assessment certificate;
  - ii. Where there are wood burning appliances, a Wood Energy Technical Transfer (WETT) report dated no less than 5 years old issued by a certified WETT inspector;
  - iii. An annual inspection report, indicating that the chimney, flue pipes etc. have been inspected by a WETT certified chimney sweep and are safe to be utilized;
  - iv. An HVAC inspection report issued by an HVAC Technician. An updated report shall be required each year, and;
- ✖** At time of renewal: maintenance and records of tests for all smoke and carbon monoxide alarms; **along with the guest log/register.**

6.2 A Licensee shall be responsible for informing the Municipality, in writing, of any changes to the information contained within the application or any deviation to the approved plans within seven (7) days of such change or deviation. As per the current Fees and Charges By-law, failure to provide information changes may result in an administration fee may apply.

6.3 Nothing herein allows a Licensee to rent bedrooms other than those identified and approved on the interior floor plans submitted with the application unless the Municipality has approved same.

## **7. REQUIREMENTS:**

7.1 The following shall be posted on the interior of the subject property and made available to Renters, and Guests and made available for inspection:

- i. A copy of the current Licence;
- ii. A copy of the interior floor plan;
- iii. A copy of the approved exterior site plan;
- iv. A copy of the current Open-Air Burning By-law;
- v. A copy of the current Noise By-law;
- vi. The occupant load of the residence;
- vii. Emergency "911" instructions with the address of the Property clearly printed and posted in a conspicuous location;
  - a. if the Property is not located on a year-round municipality-maintained road, acknowledgement that emergency services may not be provided and how to access services should the need arise;
  - b. if the Property is a water access only property, acknowledgement that emergency services shall not be provided and how to access services should the need arise.
- viii. A copy of the smoke and carbon monoxide alarms maintenance and use instructions;
- ix. Name and contact information of the Responsible Person.

7.2 All Short-term Accommodations Properties must provide a class ABC portable fire extinguisher with a minimum rating of 2A 10BC on each floor of the Property and a Class 5BC kitchen extinguisher in all cooking areas.

7.3 Portable extinguishers shall be:

- i. Kept operable and fully charged;
- ii. Located so that they are easily seen and shall be accessible at all times;
- iii. Tested and maintained by either the Licensee, Responsible Person or by a qualified person in accordance with the manufacturer's specifications;
- iv. Replaced according to manufacturer's recommendations, or as per NFPA 10, or every 5 years; and
- v. Records shall be kept identifying when an extinguisher was inspected, purchased and/or replaced.

7.4 Confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves.

7.5 The Licensee shall maintain a guest register which indicates the Renters' and Guests' names, addresses, telephone numbers, number of Renters and Guests, length of stay. This guest register must be provided to the Municipality within twenty-four (24) hours upon request.

## **8. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL AND REVOCATION:**

8.1 The Municipality reserves the right to issue, refuse to issue, renew a Licence, to revoke or to impose terms and conditions on a Licence if the Municipality has reason to believe there has been a contravention.

8.2 The Municipality may refuse to issue or renew a Licence where:

- i. The Owner fails to meet the requirements of the application or this By-law;
- ii. There are reasonable grounds to believe that the operation of the Short-term Accommodation may be averse to the public interest;
- iii. A Licence has been previously revoked or made subject to terms and conditions;
- iv. An Owner has presented a history of contravention with this By-law;
- v. An Owner has presented a history of contravention with the Noise By-law;
- vi. The proposed use of the property is not permitted by the Zoning By-law;
- vii. 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;
- viii. The Property 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 Ontario *Building Code Act 1992, S.O. 1992, c.23*, the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4* and the *Electricity Act, 1998, S.O. 1998, c. 15, Schedule A*;
- ix. The septic requirements have not been met;

8.3 The Municipality may revoke a Licence if it was issued in error or granted based on incorrect or false information.

8.4 Where the application for a License has been **refused**, revoked, or cancelled, the fees paid by the Applicant, in respect to the License, **shall not be refunded**.

## **9. ORDERS:**

9.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to take actions to correct the contravention.

9.2 The order shall set out:

- i. Reasonable particulars of the contravention to identify the contravention and the location of the contravention; and
- ii. The work to be done and the date by which the work must be done, if any.

9.3 An order may be served personally upon the Owner to whom it is directed to or sent by registered mail or electronic mail to the address shown on the last revised assessment roll or to the last known address.

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

9.5 An order under Section 10 may require action be taken even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

9.6 No Person shall fail to comply with an order issued pursuant to Section 10.

9.7 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.

9.8 Any violations of this By-law shall be addressed pursuant to their respective remedies. In addition, demerit points will be levied against the Licensee.

## **10. ENTRY AND INSPECTION:**

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

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

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

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

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

#### **11. OBSTRUCTION:**

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

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

#### **12. PENALTY:**

12.1 Every Person who contravenes any of the provision of this By-law may be subject to one or more of the following:

- a) Administrative Penalty, as permitted under Section 434.1 of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended; and/or
- b) Set fines as permitted under the *Provincial Offences Act*; and/or
- c) Set fines as permitted under the *Fire Protection and Prevention Act, 1197, S.O. 1997, c.4*, as amended; and/or
- d) Set fines as permitted under O.Reg. 213/07: Fire Code;
- e) Set fines as permitted under the *Building Code Act 1992, S.O. 1992, c.23*; and/or
- f) Fees, demerit points as outlined in Schedule "A" of this By-law and/or additional charges, which may be amended from time to time.

12.2 Every Person who contravenes an order under this By-law is guilty of an offence.

12.3 Each day a contravention occurs constitutes a new offence.



12.4 Every Person who contravenes any provision of this By-law is guilty of an offence and all contraventions of the By-law are designated as continuing offences pursuant to Section 429 of the *Municipal Act, 2001, S.O. 2001, c 25*.

12.5 Every Person or Owner who concurs in such contravention, is guilty of an offence and may be subject to an Administrative Penalty or set fine.

12.6 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.

12.7 Every Person who contravenes any provision of this By-law, 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.

12.8 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.

12.9 Fees, fines, penalties, and/or charges are as Schedule "A" attached for 2023 and are to be incorporated into the current Fees and Charges By-law. Any changes to Schedule "A" will be made during the annual updating of the Fees and Charges By-law and will be contained therein.

### **13. ADMINISTRATIVE MONETARY PENALTIES**

13.1 An Officer may issue an Administrative Monetary Penalty to the Person, Owner or Licensee found in contravention of any provision of this By-law.

13.2 Any Person who contravenes any provision of this By-law, upon receiving an Administrative Monetary Penalty pursuant to Section 14.1, may be liable to pay to the Municipality an Administrative Penalty.

### **14. COLLECTION OF UNPAID FINES**

14.1 Pursuant to Section 441 of the *Municipal Act, 2001, S.O. 2001, C 25*, 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, 2001, S.O 2001, c. 25* and may be added to the Owner' s tax roll and collected in the same manner as Property taxes.

## **15. DEMERIT POINT SYSTEM**

15.1 Notwithstanding any other provision of this By-law, this section does not apply to Short-term Accommodation Properties for which a previously issued Licence has expired and/or been revoked.

15.2 If at any time an Officer determines that the operation of a licensed Short-term Accommodation does not comply with any part of this By-law, the Officer shall impose Demerit Points against the Short-term Accommodation Property.

15.3 Demerit Points shall remain in place until the three (3) year anniversary of the date on which the Demerit Points were imposed.

15.4 A Licence may be revoked if the total of Demerit Points in effect respecting a Short-term Accommodation is at least fifteen (15).

15.5 If the total number of Demerit Points in effect respecting a Short-term Accommodation is seven (7) or more but fewer than fifteen (15), the Owner is required to provide to the satisfaction of the Officer written confirmation of the measures to be implemented by the Owner to avoid the imposition of further Demerit Points.

15.6 If the total number of Demerit Points in effect respecting a Short-term Accommodation is fifteen (15) or more, the Officer shall immediately revoke the Licence.

## **16. SCHEDULES**

16.1 The following schedules attached hereto form part of this By-law but may be changed by motion of Council:

- i. Schedule "A" Demerit Points for Violations
- ii. Schedule "B" Fines for Violations

**17. MUNICIPALITY NOT LIABLE**

17.1 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.

**18. ENFORCEMENT**

18.1 A decision of a Court stating that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

18.2 This By-law shall come into full force and effect as of January 1<sup>st</sup>, 2025.

READ a **FIRST, SECOND** and **THIRD** time and passed this **16<sup>th</sup> day of October 2024.**

**THE COPORATION OF THE  
MUNICIPALITY OF MAGNETAWN**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**CAO/Clerk**

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN  
BY-LAW NO. 2025-**

**SCHEDULE "A"**

**DEMERIT POINTS FOR VIOLATIONS UNDER SHORT-TERM ACCOMMODATION LICENCE**

SECTION	SHORT FORM WORDING	DEMERIT POINT
2.4	Operating STA for Commercial activities	7
3.5 / 6.1f	Failure to respond to concern within thirty (30) minutes	4
3.5 / 6.1f	Failure to attend Premises within sixty (60) minutes	4
3.7	Failure to provide Waste Diversion Education	4
4.1 a) – g)	Operate, use, advertise or permit a Short-term Accommodation in contravention of 4.1 a) to g) inclusive	7
4.2	Failure to produce a copy of the signed licence or attestation	4
4.3	Failure to create and/or produce and/or post an approved Fire Safety Plan for an STA with an occupancy of 10 renters/guests	7
4.4 4.5 4.6 4.7	Number of renters\renters on Premises contrary to Licence	4
4.8	Offering a STA Accommodation for less than a seven (7) day consecutive rental	4
4.9	Contravention of Section 7 – Requirements	7
4.11 4.12	Failure to advise renters and guests how to access emergency services that may not be provided due to private/unmaintained and/or water access	7
6.1 k) iv	Parking contrary to approved Licence	4
6.2	Failure to notify of Licence changes within seven (7) days	4
7.1	Failure to post required documentation	4
7.2	Failure to provide fire extinguisher as required	4
8.2 viii	Confirmed Municipal by-law contravention of any by-law or this by-law	7
8.2 viii	Confirmed Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 contravention	7
8.2 viii	Confirmed Ontario <i>Building Code Act</i> 1992, S.O. 1992, c.23 contravention	7
9.1	Contravention of an Order under any Act or this By-law	5
9.4	Removal of STA posted Order that is not under either the <i>Building Code Act</i> 1992, S.O. 1992, c.23 or the <i>Fire Protection and Prevention Act</i> , 1997, S.O. 1997, c. 4, without consent	7
11.1	Hinder/Obstruct an Officer while on duty	7

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN  
BY-LAW NO. 2025-  
SCHEDULE "B"**

**BEING A BY-LAW TO LICENCE AND REGULATE THE USE OF SHORT-TERM ACCOMMODATION  
PROPERTIES IN THE MUNICIPALITY OF MAGNETAWAN**

SECTION	SHORT FORM WORDING	SET FINE
2.4	Operating STA for Commercial activities	\$5000
3.5 / 6.1f	Failure to respond to concern within thirty (30) minutes	\$1500
3.5 / 6.1f	Failure to attend Premises within sixty (60) minutes	\$1500
3.7	Failure to provide Waste Diversion Education	\$1500
4.1 a)-g)	Operating STA without a Licence 4.1 a) – g) Operate, use, advertise or permit a Short-term Accommodation in contravention of 4.1 a) to g) inclusive	\$5000
4.2	Failure to produce a copy of the signed licence or attestation	\$2500
4.3	Failure to create and/or produce and/or post an approved Fire Safety Plan for an STA with an occupancy of 10 renters/guests	\$5000
4.4 4.5 4.6 4.7	Number of guests/renters on Premises contrary to Licence	\$2500
4.8	Offering a STA Accommodation for less than a seven (7) day consecutive rental	\$2500
4.9	Contravention of Section 7 – Requirements	\$5000
4.11 4.12	Failure to advise renters and guests how to access emergency services that may not be provided due to private/unmaintained and/or water access	\$5000
6.1 k) iv	Parking contrary to approved Licence	\$5000
6.2	Failure to notify of Licence changes within seven (7) days	\$1500
7.1	Failure to post required documentation	\$5000
7.2	Failure to provide fire extinguisher as required	\$5000
8.2 viii / 4.10	Confirmed Municipal by-law contravention of any by-law or this by-law	\$5000
8.2 viii	Confirmed <i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4</i> contravention	As Per The Act
8.2 viii	Confirmed <i>Ontario Building Code Act 1992, S.O. 1992, c.23</i> contravention	As Per The Act
9.1	Contravention of an Order under any Act or this By-law	\$2500
9.4	Removal of STA posted order that is not under either the <i>Building Code Act 1992, S.O. 1992, c.23</i> or the <i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4</i> , without consent	\$5000
11.1	Hinder/Obstruct an Officer while on duty	\$5000