

**THE CORPORATION**  
**OF THE**  
**TOWN OF NIAGARA-ON-THE-LAKE**

**BY-LAW NO. 2025-032**

**A BY-LAW FOR THE LICENCING, REGULATING AND GOVERNING OF SHORT TERM RENTALS IN THE TOWN OF NIAGARA-ON-THE-LAKE AND TO REPEAL BY-LAW 4634-13 AND ANY AMENDMENTS THERETO:**

**WHEREAS** Subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (hereafter, "the Act") provides that the powers of a Municipality under any act shall be interpreted broadly so as to confer broad authority on Municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to Municipal issues;

**AND WHEREAS** Section 9 of the Act provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 11 of the Act authorizes a Municipality to pass By-laws respecting health, safety and well-being of persons, parking on property, structures including fences and signs;

**AND WHEREAS** Section 151 of the Act authorizes a Municipality to provide for a system of licenses with respect to a business including issuance and suspension;

**AND WHEREAS** Section 425 of the Act authorizes a Municipality to create offences;

**AND WHEREAS** Section 429 of the Act authorizes a Municipality to establish a system of fines or offences under a By-law of a Municipality passed under the Act;

**AND WHEREAS** Section 436 of the Act authorizes a Municipality to pass By-laws providing that the Municipality may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law direction, order or license;

**AND WHEREAS** Sections 102.1 and 434.1 of the Act and O. Reg. 333/07, as amended, authorize municipalities to establish an administrative monetary penalty system requiring a person to pay an administrative penalty for a contravention of any designated By-law;

**AND WHEREAS** Section 444 of the Act provides that a Municipality may make an order to require a person to discontinue contravening a By-law and to do the work required to correct a contravention;

**AND WHEREAS** the Council of the Corporation of the Town of Niagara-on-the-Lake has engaged in public consultation, including public meetings and direct consultation with representatives of the business community and Short Term Rental industry;

**AND WHEREAS** the Council of the Corporation of the Town of Niagara-on-the-Lake considers it advisable that such licencing, regulating and governing take place in regard to Bed and Breakfast Establishments, Country Inns, Cottage Rentals, Villas and Vacation Apartments;

**AND WHEREAS** the Corporation of the Town of Niagara-on-the-Lake has reviewed its requirements with regard to such establishments and wishes to repeal By-law 4634-13 and its amendments;

**NOW THEREFORE** the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

## INTERPRETATION

1. Unless otherwise specified, words importing the singular include the plural and vice versa and words importing gender include all genders and the past, present or future tense or other related form of defined term shall have the same meaning as the defined term.

## DEFINITIONS

2. If any of the following definitions are defined as per the Town's Zoning By-laws, the most current version of the definition from the Zoning By-law will apply.
3. In this By-law:

"ADMINISTRATIVE PENALTY BY-LAW" means the Administrative Penalty By-law of the Town, as amended from time to time, or any successor thereof;

"ADMINISTRATOR" means the Town Clerk, a Municipal Law Enforcement Officer for the Town and/or staff member of Fire and Emergency Services, whose duties include the administration and enforcement of this By-law, including but not limited to the issuance of a license.

"AMENITY AREA" means the area situated within the boundaries of any residential development site intended for recreational purposes, and may include landscaped open space, patios, private amenity areas, balconies, communal lounges, swimming pools, children's play areas, but does not include any area occupied at grade by a building's service areas, parking areas, parking aisles, or driveways.

"APPLICANT" means the person making an application to the Town to obtain a Short Term Rental License in accordance with this By-law;

"APPLICATION" means the documentation required to be submitted to the Town to obtain a Short Term Rental License. Applications for Country Inn and Villa licenses must have approved planning applications (i.e. Site Specific Zoning Amendment, Official Plan Amendment, Site Plan Agreement) prior to applying for a license for a Short Term Rental.

"BED AND BREAKFAST ESTABLISHMENT" means a single-detached dwelling with no more than three (3) guest bedrooms for overnight guest lodging, where only breakfast may be included, for the temporary accommodation of the traveling or vacationing public and includes the living accommodation of the residents of the dwelling. Such establishment shall be licensed by the Town of Niagara-on-the-Lake and shall not include a restaurant, hotel, motel, boarding or rooming house, nursing home, or any home licensed, approved or supervised under any general or special Act. The principal use of the dwelling unit shall be for residential purposes and the bed and breakfast establishment shall be an ancillary use to the main residential use. Guest bedrooms shall not be suites.

"BUILDING" means any structure consisting of walls, foundation and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods or materials and shall exclude a boundary wall or fence and any vehicle as defined herein.

"COTTAGE RENTAL" means the commercial use of a single detached dwelling unit with up to three (3) guest bedrooms that may be rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one (1) household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days), a "Cottage Rental" can be used as a "Single Detached Dwelling". A "Cottage Rental" use is not a "Villa".

"COUNCIL" means the Municipal Council of the Corporation of the Town of Niagara-on-the-Lake.

“COUNTRY INN” means a residential use which is in the principal residence of the owner/operator and host, having more than three (3) rented rooms and providing lodging and only breakfast to overnight guests. Country Inns located in the Agricultural Zone District are restricted to a maximum of six (6) rented rooms. (A Country Inn shall only be permitted by way of a site-specific zoning By-law amendment and shall be subject to the same licencing requirements as Bed and Breakfast Establishments.).

“DWELLING” means a building or part thereof used or intended to be used as a residential unit.

“DWELLING, SINGLE DETACHED” means a single detached building which is freestanding, separate, and has independent exterior walls and contains one (1) dwelling constructed for year round habitation by one (1) or more persons.

“FEE” means as set out in the Town of Niagara-on-the-Lake Annual User Fees and Rates Schedule, which is not prorated

“GOOD NEIGHBOUR AGREEMENT” means a document which acknowledges the commitment between the operator and the Town that the operator will make every effort to work with the Town and its departments to resolve all concerns and conflicts. It outlines the owner’s responsibility to address the conduct of their guests.

“GUEST” means a person who is not a fulltime resident of a licensed Short Term Rental and who is receiving short term accommodation in exchange for remuneration.

“GUEST BEDROOM” means a room used or maintained for the accommodation of the public and which contains no provisions for cooking.

“HEARING OFFICER” means a person(s) appointed by Council, pursuant to this By-law, whose duty is to hear and decide upon appeals submitted in accordance with this By-law.

“INCOMPLETE APPLICATION” means an application submitted by an applicant which does not include all the information or documentation required by this By-law, and includes a property that does not conform to all applicable Town By-laws

“LICENSEE” means the person who holds a current license to operate a Short Term Rental.

“MUNICIPAL LAW ENFORCEMENT OFFICER” means a person appointed by the Council of the Town to enforce this and other By-laws.

“NEW APPLICATION” means an application submitted by an applicant for a property address for which they do not hold a current license to operate a Short Term Rental.

“OPERATE or OPERATING” means the offering or providing of accommodation for hire, the accepting of reservations or the allocation of rooms. Operate has a corresponding meaning.

“OWNER” means any person who is a registered owner, has a legal or equitable interest, has a legal right to obtain possession, or who has control or management of any property, land, building or structure.

“PERSON” means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent and their heirs, executors or other legal representatives of a person to whom the same can apply according to law.

“PLATFORM” means any software or application or telecommunications platform to accept, facilitate, broker requests for, advertise, or offer Short Term Rentals.

“PROPERTY” means any lot, block or other area in which land is held or into which it is subdivided, including the buildings and structures thereon.

“PROPERTY MANAGER” means an agent or representative of an Owner who is responsible for managing or addressing issues in relation to the Owner’s Short Term Rental.

“RENTERS CODE OF CONDUCT” means a document that sets out the roles and responsibilities of the renter, including:

- behavioural expectations as they relate to non-disturbance;
- providing a warning related to the making of a disturbance; and,
- identifies all applicable Town By-laws that the renter must comply with including the provisions of this By-law, including but not limited to noise, property standards and parking.

“RENEWAL APPLICATION” means an application submitted for a property for which the applicant holds a current license to operate a Short Term Rental.

“RESIDENTIAL UNIT” means a set of self-contained habitable rooms located in a building or structure that is used or intended for use as a residential premises which contains kitchen and bathroom facilities that are intended for the exclusive use of the unit and has a private means of egress to the outside of the building or structure, or from a common hallway or stairway inside the building or structure in which it is located.

“ROOM” means a singular space within a building comprised of a floor, a ceiling and walls that is capable of being occupied and used by a person(s) and may include such features as closets, cupboards and private sanitary facilities (an ensuite) a sitting area and only one sleeping area. A sleeping area is an area within a room that contains a bed(s) and is not separated by walls containing doors.

“SHORT TERM RENTAL(S)” means the use of a building for overnight guest lodging for a period of not more than 28 days and includes Bed and Breakfast Establishments, Cottage Rentals, Villas, Country Inns and Vacation Apartments.

“SUITE OR SUITE OF ROOMS” means rooms that are common to each other (adjacent and interconnected) and served with one or more entrances and capable of being occupied and used by person(s). These rooms may include such features as closets, cupboards and private sanitary facilities (an ensuite), sitting areas and sleeping areas.

“TOWN” means the Corporation of the Town of Niagara-on-the-Lake.

“TOWN CLERK” means the Town Clerk or their designate as appointed by the Council of the Town.

“VACATION APARTMENT” means an “Apartment Dwelling” or a “Residential Unit” above a business on a commercially zoned property that is rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days) a “Vacation Apartment” can be used as an “Apartment Dwelling” or as a “Residential Unit”. A “Vacation Apartment” is not a “Villa” or a “Cottage Rental”.

“VILLA” means the commercial use of a single detached dwelling unit with four (4) or more bedrooms, that may be rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation, but not occupied continuously as a principal residence. When occupied continuously as a principal residence (i.e. for more than 28 days), a “Villa” can be used as a “Single Detached Dwelling”. A “Villa” is not a “Cottage Rental”. Villas located in the Agricultural Zone District are restricted to a maximum of six (6) rented rooms.

## **ADMINISTRATION AND ENFORCEMENT**

4. The Administrator(s) shall be responsible for the administration and enforcement of this By-law.

A Municipal Law Enforcement Officer or Fire Services is authorized, upon presentation of proper identification, to enter onto land at any reasonable time to inspect any building, structure or property for the purposes of:

- (a) Conducting a pre-application inspection, as required by this By-law; and/or
- (b) Carrying out an inspection to determine whether this By-law or a Work Order issued is being complied with.

## **GENERAL PROVISIONS:**

5. No person shall use or operate any Short Term Rental unless they hold a current license issued pursuant to this By-law.
6. No person shall advertise a Short Term Rental without a license.
7. The property address listed on the valid license shall only refer to the address of the principle dwelling on the property.
8. Only one (1) Short Term Rental shall be permitted within a Single Detached Dwelling on a residential property if it is the primary residence. An accessory dwelling unit is not eligible for a Short Term Rental license. Where there is an accessory dwelling unit inside the primary residence, the single detached dwelling portion cannot be licensed as a cottage rental.

Multiple Vacation Apartments may be permitted on one (1) commercial property.

9. No person shall advertise a Short Term Rental without including the valid license number issued by the Town of Niagara-on-the-Lake for the property.
10. Only buildings that have been granted occupancy as a single detached dwelling (from the date of occupancy and with or without a second dwelling unit) for a minimum of eight (8) years shall be eligible to apply for a Cottage, Country Inn or Villa license. Bed and Breakfast will only be permitted in buildings that have been granted occupancy as a single detached dwelling for a minimum of four (4) years. For greater clarity, this requirement does not apply to Vacation Apartments.
11. Any additions or extensions to a dwelling that expand the number of rooms will not allow the Licensee to apply to increase the number of guest rooms available for rent until that portion of the addition or extension has been granted occupancy for a minimum of four (4) years.
12. All municipal taxes, water and hydro accounts for the property must be current and not in arrears, and outstanding or open Building Permits issued must be closed and final before a license will be issued.
13. Short Term Rentals must be fully serviced with water and sewage services approved by the Town or Regional Public Health Department.
14. Short Term Rentals must front onto a Public Road or the Niagara Parkway.
15. The Owner and/or Licensee, in conjunction with tenants and guests of a Short Term Rental, shall be held responsible for behavioural contraventions by tenants and guests with the Town's Noise and Public Nuisance By-law.
16. No license issued in accordance with this By-law may be transferred to another person.
17. A Bed and Breakfast Establishment or Country Inn may provide and serve breakfast only. Guests shall not have access to standard cooktops/ovens or similar cooking appliances.

18. A Bed and Breakfast Establishment or Country Inn, while in operation, must be occupied and operated on a full-time basis by the Licensee while paying guests occupy or have the right to occupy guest bedrooms. In the case of an emergency or short term vacation, the Licensee may appoint a representative to occupy the site on a full-time basis up to a maximum of thirty (30) days.

## **PARKING REQUIREMENTS**

19. Parking requirements for Short Term Rentals shall be based on the provisions in the Zoning By-law applicable at the time of application plus any additional requirements based on the type of license being applied for.
20. The total number of required parking spaces available must be shown on the plan submitted with the application, showing the dimensions and setbacks of all spaces.
21. The total number of required spaces shall be determined according to the zoning criteria in place at the time of the initial application for license provided that the property has been continually used under the authority of a license since the time of the initial application for license.

If a license has lapsed, then parking spaces shall be determined according to zoning criteria applicable at the time of a new application.

22. In addition to parking requirements in the Zoning By-law for guest rooms, the applicant shall provide at least one (1) parking space for each vehicle registered to the property.
23. On-street parking shall not be permitted as an option to obtain compliance with the parking requirements of this By-law.

## **LICENSE APPLICATION PROCESS**

24. Only the following persons may apply for and hold a license to operate a Short Term Rental:
  - (a) the Registered Owner or the Lessee of the building, provided that when the Registered Owner or the Lessee is a Corporation, a Director of the Corporation shall apply, with the consent of the Owner; or
  - (b) the Lessee of a commercially zoned property; or
  - (c) where an agreement of purchase and sale has been executed, the person identified as the purchaser as outlined in such agreement of purchase and sale provided it is acceptable to the Administrator.
25. An application for a license for a Short Term Rental shall be submitted to the Administrator and shall include a clear and legible site plan (except for Vacation Apartments, see Section 26) drawn to scale and shall include:
  - (a) the location of all buildings on the property with setbacks indicated from all property lines,
  - (b) the location and dimensions of the parking area and the required parking spaces,
  - (c) driveway access to the required parking spaces, and
  - (d) the location, dimensions and size of the outdoor amenity area as per requirements in the provisions of the Town's Zoning By-laws.
26. An application for a Vacation Apartment may use the site plan attached to the registered site plan agreement on title. In the case where there is no site plan registered on title, then subsections (a) to (c) applies to Vacation Apartments.
27. An application for a Country Inn or Villa requires additional planning approval prior to the submission of an application.

28. An application will require proof of separate liability insurance coverage for Short Term Rentals for a minimum of Two Million Dollars (\$2,000,000). As well “The Corporation of the Town of Niagara-on-the-Lake” shall be shown as an “Additional Insured”. Proof is also required to be supplied to the Administrator for the additional years of the license or should the policy be cancelled.
29. An application for a Bed and Breakfast Establishment and Country Inn shall include a list of motor vehicles that are used and/or stored on-site by the residents of the licensed premises along with the license plate numbers of the said vehicles. The Licensee shall notify the Administrator of any changes within seven (7) days.
30. The application will identify on it the number of full-time occupants of a Bed and Breakfast Establishment or Country Inn.
31. The Applicant shall pay the required fees as set out in the Town of Niagara-on-the-Lake Annual User Fees and Rates Schedule, which is not prorated.
32. Upon receipt of a completed application and the payment of the fee, the Administrator shall do the following:
  - (a) forward the application to the Community & Development Services Department, Corporate Services Department and Fire Department;
  - (b) receive and review the application in conjunction with any regulation governed by this By-law;
  - (c) carry out inspections as may be necessary to satisfy that the property is in compliance with the provisions of this By-law, all other Town By-laws, any regulations and the approved plans;
  - (d) issue the required Notice to Comply whenever contraventions are found with the provisions of this By-law.
33. No Applicant shall submit false or misleading information in the application for a license.
34. Where false or misleading information is submitted as part of the application process, the application will be considered immediately null and void.
35. In the event that there is no response, follow up or activity with regard to an application, by or on behalf of an Applicant, for a period of ninety (90) days or more, such application shall be considered abandoned by the Town, and a new application shall be submitted, except where an extension of time has been approved by the Administrator.
36. Acceptance of an application and an application fee does not constitute approval of the application or oblige the Town to issue a license.

## **PRE-LICENSE INSPECTION**

37. It is the responsibility of the applicant to coordinate with the Administrator to arrange for an inspection of the property, by appropriate Town staff, as a condition of, and prior to receiving a license to ensure compliance with the following:
  - (a) the provisions of this By-law;
  - (b) the Ontario Fire Code;
  - (c) the Ontario Building Code;
  - (d) the Town’s Property Standards By-law;
  - (e) the Town’s Clean Yards By-law;
  - (f) the Town’s Zoning By-laws;
  - (g) the Ontario Electrical Safety Code; and

(h) any other Town By-laws that may affect the status of the application.

38. Failure to correct any identified issues shall result in the denial of the application.

## **LICENSE ISSUANCE**

39. Upon receipt of satisfactory responses to all of the inquiries by the Administrator under this By-law and compliance with all other provisions of the By-law the Administrator shall issue a license, which shall expire at midnight on December 31st of the fourth year, as noted on the license.
40. A license shall be issued if the completed application conforms to the provisions of this By-law and every other By-law of the Town, including but not limited to Property Standards, Clean Yards, Fences, Swimming Pools, Signs, Noise, Public Nuisance, the Ontario Building Code and regulations made there under and the Ontario Fire Code, and if all required fees are paid.
41. Where a license has been issued pursuant to this By-law, the Administrator shall retain one (1) copy for the Town's files.
42. The Licensee shall be responsible for informing the Administrator in writing of any changes to the approved information contained within the application or any deviation to the approved plans within seven (7) days of such change or deviation. Nothing herein allows a Licensee to rent rooms other than those identified and approved on the floor plans submitted with the application for a license unless the Town has approved the same.
43. In the event that it is determined that a license has been issued whereby false, mistaken or misleading information was submitted as part of the application, such license shall be automatically revoked.

## **LICENSE TIME PERIOD**

44. An application which has been approved and for which a license has been issued pursuant to this By-law, such license shall expire upon the earliest of the following events: (a) midnight on December 31st of the fourth year of the license; or (b) the sale of the Short Term Rental identified on the license.
45. A Licensee that intends to renew their current Short Term Rental License shall be responsible for submission of a renewal application prior to the license expiry date. An application for a property that is not licensed on the date of submission or is past its expiry date shall be considered a new application.
46. In order to maintain legal non-conforming status when a Short Term Rental has been sold, the new owner has one (1) year from the possession date to apply for a license.
47. A new application for a license received on or after November 1st in any year but prior to December 31st in any year shall not be issued until the following year.

## **LICENSE FEES**

48. All applications for a license filed with the Town shall be accompanied by the annual fee as set out in the Town's Annual User Fees and Rates By-law, which is not prorated.

License application fees, as required by this By-law, are non-refundable.



## **LICENSE CANCELLATIONS AND REFUNDS**

49. Should an applicant wish to cancel their license during the four (4) year term, they must advise the Administrator in writing (email, letter, etc.). The requesting Applicant will be provided with documentation that outlines the details of the cancellation. The license will be considered active and subject to the conditions of this By-law until the signed documentation is returned to the Administrator.
50. The Administrator may issue a full refund for the years remaining of the license if the Licensee has cancelled their license and advises in writing that they have not operated in the year they are requesting a refund. Applicants must request a refund no later than April 1st in the year they are requesting the refund.

## **POWERS TO REFUSE, REVOKE, SUSPEND OR IMPOSE CONDITIONS**

51. The Administrator assigned such duties may:
  - (a) refuse to issue a license for any application where the information submitted on the application is incorrect; or
  - (b) refuse to issue a license where the subject property does not comply with all applicable legislation, including the Town's Zoning By-law; or
  - (c) refuse to issue a license where all the required fees for the application have not been paid; or
  - (d) refuse to issue a license for any license application relating to a Short Term Rental, where a license has been previously revoked, suspended, made subject to special condition or a property applying for license has presented a history of contravention with this or other Town By-laws.
52. The license to operate a Short Term Rental may be revoked, suspended or made subject to special conditions, at the discretion of the Administrator for:
  - (a) any breach of the provisions of this By-law; or
  - (b) any breach of the provisions of any other Town By-laws or regulations; or
  - (c) refusal to comply with any notice of violation within seventy-two (72) hours; or
  - (d) accumulation of three (3) or more complaints regarding distinct events per calendar year.
53. Where a license has been revoked, including when the revocation has been upheld by the Hearing Officer, no license application shall be considered by the Town for a minimum of twelve (12) months from the date the license was revoked.

## **LICENSE APPEAL PROCESS**

54. An Applicant, or Licensee,
  - (a) whose application has been refused; or
  - (b) whose license has been revoked or suspended; or
  - (c) who is not satisfied with the terms or conditions placed on the license,may apply for a hearing to appeal this decision to the Hearing Officer.
55. Every person who wishes to appeal a decision made under Section 54 of this By-law shall submit a Notice of Appeal;
  - (a) within fourteen (14) days of a refusal or revocation;
  - (b) with the non-refundable required fee as detailed in the Town's Annual User Fees; and

- (c) by registered mail to the Administrator.
- 56. The Town shall receive all notices of appeal and hold a hearing with every person who initiates an appeal of a decision made under Section 54 of this By-law.
- 57. An incomplete application is not subject to an appeal.
- 58. Non-compliance with a Zoning By-law requirement is not subject to an appeal.

## **HEARING OFFICER**

- 59. Council shall appoint, by a resolution, a Hearing Officer(s) for a term to be determined by Council.
- 60. Upon hearing an appeal, the Hearing Officer may:
  - (a) confirm the decision of the Administrator to refuse a license application; and/or
  - (b) rescind the decision of the Administrator to refuse a license application and order that the license be issued; and/or
  - (c) confirm the decision of the Administrator to revoke or suspend a license; and/or
  - (d) rescind the decision of the Administrator to revoke or suspend a license; and order the license be reinstated; and/or
  - (e) confirm, modify or remove any conditions placed on the license, or add any conditions they deem appropriate.
- 61. The decision of the Hearing Officer shall be provided, in writing, to the Applicant or Licensee, as soon as is reasonable after such decision is rendered.
- 62. The decision of the Hearing Officer is final and binding.

## **LICENSEE OBLIGATIONS**

- 63. A Licensee of a Short Term Rental shall ensure that the following shall be made available to guests in either hard copy or electronic format:
  - (a) a copy of the current license; and
  - (b) a copy of the current Town's Noise By-law; and
  - (c) a copy of the current Town's Public Nuisance By-law; and
  - (d) a copy of the approved floor plans identifying the rooms and also showing exit routes; and
  - (e) a copy of the Renter's Code of Conduct.
- 64. A Licensee shall ensure that only signs in accordance with the Town's current Sign By-law shall be displayed.
- 65. A Licensee shall ensure that if the Short Term Rental is not occupied by the Licensee while managing guests, each Licensee shall provide contact information of the property manager that will be available to attend to the Short Term Rental at all times within a period of no greater than forty-five (45) minutes from the time of contact by way of telephone or e-mail.
- 66. Each Licensee shall keep a daily guest registration form.
- 67. The guest registration form shall contain each guest's name, the guest's assigned room(s) if applicable, the guest's home address and home telephone number, the date and duration of stay, the guest's vehicle make, license plate number, and the

Province or State in which the vehicle is registered. The guest registration form must be kept current and be available for inspection.

68. The Licensee, upon request from a Municipal Law Enforcement Officer, shall present the guest registration form for inspection.
69. A Municipal Law Enforcement Officer may require access to the licensed premises at any reasonable time in order to verify the health and safety of the premises and to verify compliance with this and all applicable By-laws.
70. The Licensee shall be responsible for ensuring that guests park in the areas designated on the approved site plan.
71. The maximum number of guests within a Short Term Rental shall not exceed a total number based upon two (2) guests per bedroom [plus an additional two (2) guests within the rental] who shall be sleeping within the designated guest bedrooms.
72. No Short Term Rental shall be used for the hosting of events or any other commercial activity.
73. All Licensees are required to allow for an inspection of the operation by the Fire Services, at a minimum of once every two (2) years.
74. All Licensees are responsible to pay any applicable user fees for the required inspection in accordance with the Town Fire Services schedule of user fees and charges.

#### **NOTICE TO COMPLY**

75. When, in the opinion of the Administrator, a violation of this By-law has occurred or exists, the Administrator shall issue a Notice to Comply to the Licensee.
76. The Notice to Comply shall:
  - (a) specify the violations of this By-law that exist as well as those sections of the By-law which are in violation; and
  - (b) indicate a final date for compliance for all items as indicated on such Notice.
77. No person, applicant or licensee shall fail to comply with a Notice to Comply, as issued pursuant to this By-law.
78. Service of any Notice to Comply issued pursuant to this section shall be carried out by:
  - (a) personal service upon the violator by the Administrator; or
  - (b) registered mail to the Owner; or
  - (c) by hand delivering the Notice to Comply to the address of the Licensee of the Short Term Rental, as listed in the license application and documentation; or
  - (d) by email to the email address provided by the Licensee.

#### **PENALTIES FOR NON-COMPLIANCE**

79. Every person who contravenes any provision of this By-law, including failing to comply with a Notice to Comply issued pursuant to section 78, is guilty of an offence and all contraventions of this By-law are designated as continuing offences pursuant to section 429 of the Municipal Act, 2001, S.O. 2001, c.25.
80. Every person who contravenes any provision of this By-law is guilty of an offence for each day or part of a day that the offence continues and on conviction is liable to a fine as set out in Schedule "A" of this By-law for each offence, as provided for in the

Provincial Offences Act, R.S.O. 1990, c. P. 33 and the Municipal Act, 2001, S.O. 2001, c.25.

81. Every Director or Officer of a Corporation who knowingly concurs in the contravention of this By-law is guilty of an offence for each day or part of a day that the offence continues and on conviction is liable to a fine as set out in Schedule A of this By-law for each such offence, as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33 and the Municipal Act, 2001, S.O. 2001, c.25.
82. Where a person has been convicted of an offence, pursuant to this By-law, the Court determining the conviction 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.
83. Any person shall, upon issuance of a penalty notice for a contravention of this By-law, in accordance with the Administrative Penalty By-law, be liable to pay an administrative penalty and any administrative fees, in accordance with the Administrative Penalty By-law.
84. All the provisions of this By-law continue to apply in the *Provincial Offences Act* in addition to the designated provisions of this By-law.
85. Neither the granting of a license, the approval of an application, nor an inspection made by the authority having jurisdiction shall in anyway relieve the Owner / Occupant of the property from full responsibility for fulfilling the work or required maintenance in accordance with the provisions of this By-law.

#### **CONFLICT AND SEVERABILITY**

86. If any portion of this By-law is found to be in conflict with any other provision of any zoning, building, fire, safety or other By-law of the Town or regulations, the provision which establishes the higher standard shall prevail.
87. Should any section, clause or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof, other than the part which was declared to be invalid.

#### **TRANSITION CLAUSE**

88. Upon the date of passing of this By-law, any license issued pursuant to By-law 4634-13, as amended, shall remain in force and effect until the expiration date, as indicated on the subject license.

#### **REPEAL**

89. By-law 4634-13 and any amendments thereto, are hereby repealed.

#### **EFFECTIVE DATE**

90. This By-law shall come into full force and effect of the final date of passage hereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 27TH DAY OF MAY,  
2025

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**LORD MAYOR GARY ZALEPA**

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**TOWN CLERK GRANT BIVOL**

<b>SCHEDULE A</b>			
<b>TO BY-LAW NO. 2025-032</b>			
<b>TOWN OF NIAGARA-ON-THE-LAKE SHORT TITLE: Short Term Rental By-law</b>			
ITEM	SHORT FORM WORDING	OFFENCE	SET FINE
1	Operating a Short Term Rental without a current license.	5	\$1,000
2	Advertising a Short Term Rental without a license.	6	\$1,000
3	Advertising a Short Term Rental without a license number displayed.	9	\$100
4	Operating a Bed and Breakfast Establishment or Country Inn while not being occupied on a full-time basis by the Licensee or appointed representative.	18	\$1,000
5	Failing to post a current copy of the documents referenced in Section 63 of this By-law.	63	\$100
6	Failing to respond to a complaint within forty-five (45) minutes.	65	\$500
7	Failing to keep a current guest registration form.	66	\$250
8	Exceeding the permitted number of occupants.	71	\$500
9	Hosting an event or similar commercial activity on the property of a Short Term Rental.	72	\$1000