

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW NO. 20-2014

**A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF
RENTAL UNITS IN THE MUNICIPALITY OF WHITESTONE**

WHEREAS the Municipal Act authorizes municipalities to enact licensing by-laws;

AND WHEREAS the Council of the Corporation of the Municipality of Whitestone has enacted a zoning by-law amendment that allows a Rental Unit in all zones permitting a residential dwelling, subject to the Rental Unit being licensed in accordance with the Municipality's Rental Unit Licensing By-law;

AND WHEREAS the Council of the Corporation of the Municipality of Whitestone considers it advisable and appropriate that the licensing, regulating and governing of Rental Units be established;

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE, as follows:

SECTION 1 – PROPERTIES REQUIRING RENTAL UNIT LICENSE

- 1.1 No person shall use any dwelling as a Rental Unit unless they hold a current license issued pursuant to this By-law.
- 1.2 Only the Registered Owner or the Lessee of the dwelling may obtain a Rental Unit License. Where the Registered Owner or the Lessee is a Corporation, the principal shareholder of the Corporation shall apply for the license, with the consent of the Corporation. In the event that the Corporation's share structure is such that the largest shareholders hold an equal amount of shares in the Corporation, then any of these shareholders may apply for and hold a license.

SECTION 2 – GENERAL RENTAL UNIT REQUIREMENTS

- 2.1 The following is required to qualify for a Rental Unit License:
 - (a) proof of ownership;
 - (b) copy of survey or site plan (sketch);
 - (c) copy of the use permit for the property's sewage system;
 - (d) proof that realty taxes have been paid;
 - (e) any open building permits for the dwelling must be finalized;
 - (f) acknowledgement that the Registered Owner or Lessee is responsible for rental unit insurance;
 - (g) confirmation that all adjoining properties have been informed of license application; and,
 - (h) confirmation that the property complies with all laws or regulations.

SECTION 3 – LICENSE FEES

- 3.1 All applications for a license filed with the Municipality shall be accompanied by the fee for each license, as established by Council from time to time by resolution, and as currently specified in Schedule "A" to this By-law.
- 3.2 Licenses may be issued for up to three years.
- 3.3 A new license application must be filed before the earlier of the expiry of a current license or upon a change of ownership.

SECTION 4 – FIRE INSPECTION

- 4.1 Upon receipt of a Rental Unit License application, the Chief Fire official, or a designate, shall conduct an inspection of the dwelling to ensure compliance with current code requirements.
- 4.2 Prior to the issuance of a Rental Unit License, the Chief Fire official or a designate must approve the application.

SECTION 5 – LICENSE ISSUE

- 5.1 Upon receipt of a Rental Unit License application, the following procedures shall take place:
 - (a) the application will be received and reviewed in accordance with any regulations governed by this By-law; and,
 - (b) an inspection as may be necessary will be carried out to determine whether the property is in compliance with the provisions of this By-law, all other by-laws of the Municipality, any regulations and any approved site plans.
- 5.2 If the Rental Unit License application conforms to the provisions of this By-law, all other by-laws of the Municipality and all applicable regulations, and approved site plans then the Municipal Clerk or his/her designate shall issue a license.
- 5.3 The Municipal Clerk may refuse to issue a license if the information submitted on the application is incomplete or incorrect.
- 5.4 The following shall be posted in an conspicuous location in the Rental Unit:
 - (a) a copy of the license;
 - (b) a copy of 911/Civic Address;
 - (c) a copy of a survey/site plan;
 - (d) the license holder's address/contact information;
 - (e) the name and number of an emergency contact person;
 - (f) a copy of a notice regarding the drinkability of the water;
 - (g) a copy of Municipal Noise By-law;
 - (h) a copy of Municipal Open Air Burning and Fireworks By-laws; and,
 - (i) a copy of the Municipal Dog By-law.

SECTION 6 – PENALTIES AND VIOLATIONS

- 6.1 It shall be the responsibility of the license holder to ensure that there is compliance with this By-law and all other applicable by-laws.
- 6.2 When, in the opinion of the Municipal Clerk, a violation of this By-law has occurred or exists, the Municipal Clerk or his/her designate shall issue a written compliance notice to the license holder. The notice shall specify those sections of the By-law which are being violated and shall state that the license holder has seventy-two (72) hours from the delivery of the compliance notice in which to correct the alleged violation, failing which the Municipality may correct the alleged violation at the expense of the licence holder or revoke the Rental Unit License.
- 6.3 Service of any notice under this section shall be carried out by personal service or by registered mail upon the license holder, or by posting the property, or by delivering the notice to the address of the Owner of the property as listed in the assessment roles of the Municipality.
- 6.4 The Rental Unit License may be revoked, suspended or made subject to special conditions, including an administrative fee, by the Municipal Clerk or his/her designate for:
 - (a) any ongoing breach of the provisions of this By-law; or
 - (b) any breaches of the provisions of any other applicable by-laws or regulations; or

- (c) any refusal to comply with any compliance notice of violation within 72 hours.
- 6.5 Every person who contravenes any provision of this By-law is guilty of an offence and all contraventions of this By-law are designated as continuing offences pursuant to section 429 of the *Municipal Act, 2001*, S.O. 2001, c.25.
- 6.6 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 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.
- 6.7 Every Director or Officer of a corporation who contravenes 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 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.
- 6.8 Where a person has been convicted of an offence under this By-law, 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.

SECTION 7 – APPEAL

- 7.1 An applicant whose application has been refused, or a Licensee whose license has been revoked, suspended or made subject to special terms or conditions and who is not satisfied with the refusal, revocation, suspension or the terms or conditions, may appeal this decision to Council.
- 7.2 Every person who initiates an appeal to Council of a decision made under this By-Law shall submit a notice of appeal within 14 days of a refusal, revocation, suspension or decision to impose special terms or conditions, together with the prescribed fee.

SECTION 8 – ADMINISTRATION

- 8.1 The Municipal Clerk or his/her designate shall be responsible for the administration and enforcement of this By-law.
- 8.2 The definitions found in the Municipality’s zoning by-law shall apply to this By-law, where applicable.
- 8.3 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.

This By-law shall come into full force and effect of the final date of passage hereof, at which time all by-laws that are consistent with the provisions of this By-law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this By-law.

Read a First and Second time this 17th day of March, 2014.

Mayor Chris Armstrong

CAO-Clerk Liliane Nolan

Read a Third time and **Passed, Signed and Sealed** this 17th day of March, 2014.

Mayor Chris Armstrong

CAO-Clerk Liliane Nolan

SCHEDULE "A"

FEEES

RENTALS

Annual Fee \$200.00 (Non-refundable)

- License holders shall pay their license fee for the years they are licensed. Invoices will be sent out in October, prior to the next licensing year. Should the fee not be paid, the Rental Unit License will be revoked.

Administrative Fee (see Section 6.4)

- \$200.00

Appeal Fee (see section 7.2)

- \$200.00

SCHEDULE "B"

RENTAL LICENSE APPLICATION



Rental Unit License Application

Pursuant to License By-law No. _____

21 Church Street
Dunchurch, On
P0A 1G0

Please complete application and submit to the above address. Application must be submitted with business License Application Fee of \$200.00.

Name of Owner: _____

Civic Address of Property: _____

Owner Information: _____

Name of Owner(s) of Residence _____

Address _____

City / Town and Province _____

Postal Code _____

Telephone/Fax _____

E-mail _____

Contact Information: _____

Name of Contact _____

Address _____

City / Town and Province _____

Postal Code _____

Telephone/Fax _____

E-mail _____

I have read and understand the requirements of Business License By-law No _____. I agree to the terms and conditions therein and confirm that the application is true and correct.

Applicant Signature: _____

Date: _____

Applicant's Checklist:

- 1. Copy of Transfer / Deed (Proof of Ownership)
- 2. Copy of 911 / Civic Address
- 3. Copy of Survey / Site Plan
- 4. Copy of Sewage System Use Permit
- 5. Proof of Property Taxes Paid
- 6. Emergency Contact Person
- 7. Address / Contact Information
- 8. Acknowledge that registered Owner/Licensee is responsible for rental unit insurance
- 9. Confirmation of Notice to Neighbours

FOR OFFICE USE ONLY

Date Received: _____ File No. : _____

Clerk's Department

Comments:

Planning Department

Comments:

Fire Department

Comments:

Building Department

Comments:

License Issued

SCHEDULE "C"

RENTAL LICENSE

*The Corporation of the
Municipality of Whitestone*



RENTAL UNIT LICENSE

LICENSEE: _____

ADDRESS: _____

PHONE : _____

DATE _____

ISSUED : _____

EXPIRES : _____



Municipality of Whitestone, Clerk