

Bill No. 243
2022

By-law No. L.-131(__)-__

A by-law to amend By-law No. L.-131-16, as amended, entitled “A by-law to provide for the Licensing and Regulation of Various Businesses”.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the Council for the City of London considers it necessary and desirable for the public to regulate the licensing of short-term accommodations for the purpose of protecting the health and safety of persons using short-term accommodations, for ensuring that short-term accommodations do not create a nuisance to the surrounding properties and neighbourhoods, and to protect the residential amenity, character, and stability of residential areas;

AND WHEREAS it is deemed expedient to amend By-law No. L.-131-16, as amended, entitled “A by-law to provide for the Licensing and Regulation of Various Businesses”, passed on December 12, 2017;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Business Licensing By-law L.-131-16 is amended by adding the attached “Short-term Accommodation” as a new Schedule ___ to the Business Licensing By-law.
2. The Business Licensing By-law L.-131-16, Schedule 1, “Business License Fees” is amended by adding the new category “Short-Term Accommodation Provider” and by adding an Annual License Fee of \$175.00
3. The Business Licensing By-law L.-131-16, Schedule 1, “Business License Fees” is amended by adding the new category “Short-Term Accommodation Broker” and by adding an Annual License Fee of \$1000.00
4. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on June 14, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – June 14, 2022
Second Reading – June 14, 2022
Third Reading – June 14, 2022

Schedule _____
SHORT-TERM ACCOMMODATIONS

1.0 DEFINITIONS:

“**Dwelling**” means one or more habitable rooms designed, occupied, or intended to be occupied as living quarters.

“**Person**” includes a corporation.

“**Resident Address**” means the place at which an individual habitually sleeps, eats, keeps their personal effects, and has a regular place of lodging; an individual may have only one Resident Address.

“**Short-term Accommodation**” means a temporary accommodation in all or part of a Dwelling that is provided for 29 consecutive days or less in exchange for payment including a bed and breakfast, but not including a hotel, motel, inn, resort, hostel, lodging house, or rooming house.

“**Short-term Accommodation Broker**” means any individual, partnership, or corporation that, for compensation, markets and brokers the booking, reservation, or rental, of a Short-term Accommodation on behalf of a Short-term Accommodation Provider by means of a website or digital application.

“**Short-term Accommodation Provider**” means an individual who, for compensation, makes available Short-term Accommodation, but does not include a Short-term Accommodation Broker. For purposes of this definition, this does not include a corporation or partnership.

2.0 LICENCE CATEGORIES

2.1 The following categories of licenses are established:

- (a) Short-term Accommodation Provider Licence, and;
- (b) Short-term Accommodation Broker Licence.

3.0 POWERS OF THE LICENCE MANAGER

3.1 In addition to any other power, duty, or function prescribed in this By-law, the Licence Manager may, under this Schedule.

- (a) Prescribe the manner, form, content, and inspection protocol for records to be kept by the Short-term Accommodation Provider and by the Short-term Accommodation Broker;
- (b) Prescribe the form and content of municipal information that is to be provided, displayed, and made available by the Short-term Accommodation Provider, and by the Short-term Accommodation Broker;
- (c) Prescribe operational regulations regarding potential public nuisance, health and safety, and property standards matters for the Short-term Accommodation Provider, and for the Short-term Accommodation Broker.

4.0 EXCLUSIONS

4.1 For greater certainty, the following are not considered as Short-Term Accommodation for the purposes of this Schedule:

- (a) accommodation provided by:
 - (i) a hotel; motel; inn; resort; hostel; lodging house; or rooming house;
 - (ii) a university or college of applied arts and technology and post-secondary institution;
 - (iii) a hospital under the Public Hospitals Act and every private hospital operated under the authority of a licence issued under the Private Hospitals Act;
 - (iv) a long-term care home as defined in subsection 2(1) of the Long-Term Care Homes Act, 2007;
 - (v) a treatment centre that receives provincial aid under the Ministry of Community and Social Services Act;
 - (vi) a house of refuge, or lodging for the reformation of offenders;
 - (vii) a charitable, non-profit philanthropic corporation organized as shelters for the relief of the poor or for emergency;

- (viii) a hotel or motel room used by the City or its agents for shelter accommodation purposes;
- (ix) a campground, tourist camp, or trailer park;
- (x) employers to their employees in premises operated by the employer.

5.0 APPLICATION FOR SHORT-TERM ACCOMODATION PROVIDER LICENCE

5.1 In addition to all of the requirements set out in this By-law, every application for a Short-Term Accommodation Provider Licence shall include the following:

- (a) the Applicant's sworn declaration, satisfactory to the Licence Manager:
 - (i) attesting that the Applicant is an individual (and not a corporation);
 - (ii) attesting that the Applicant is at least eighteen (18) years of age;
 - (iii) stating the municipal address where the Short-term Accommodation will be operated;
 - (iv) attesting that the municipal address where the Short-term Accommodation will be operated is also the Resident Address of the Applicant;
 - (v) stating the number of units, and the number of bedrooms, that will be offered as Short-term Accommodations that will be operated by the Applicant;
 - (vi) including a copy of government-issued identification showing the Applicant's Resident Address, and;
 - (vii) attesting that the Short-term Accommodation complies with all applicable laws, regulations, and by-laws, including the Zoning By-law, the Property Standards By-law, the Fire Protection and Prevention Act, and The Building Code Act.
- (b) where the Applicant owns the Dwelling in which the Short-term Accommodation is located, provide proof satisfactory to the Licence Manager that the Applicant owns the Dwelling;
- (c) where the Applicant is a tenant in the Dwelling in which the Short-term Accommodation is located, provide proof satisfactory to the Licence Manager that the owner of the Dwelling permits the operation of the Short-term Accommodation;
- (d) where the Applicant owns or is a tenant in a Dwelling that is a condominium unit, provide proof satisfactory to the Licence Manager that the condominium board permits the operation of a Short-term Accommodation in the condominium unit;
- (e) the email address of the Applicant;
- (f) original documents from the issuing agency outlining the results of a Criminal Record and Judicial Matters Check, dated less than ninety (90) days prior to the date of application, and satisfactory to the Licence Manager;
- (g) payment of any other applicable fees, taxes, outstanding Administrative Monetary Penalties or invoices;
- (h) an insurance certificate demonstrating general liability insurance for the operations of the proposed Short-term Accommodation against claims filed against the applicant with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000;
- (i) the Applicant will provide an indemnity in favour of the City from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the Short-term Accommodation, which shall be in a form satisfactory to the Licence Manager, and conditional on a Licence being issued;
- (j) if an agent is making the application on behalf of an Applicant, they must provide written proof satisfactory to the Licence Manager that the agent has been delegated the authority to act as the Applicant's agent, and;
- (k) any other information, affidavits or documents reasonably required by the Licence Manager.

6.0 APPLICATION FOR SHORT-TERM ACCOMMODATION PLATFORM LICENCES

6.1 In addition to all of the requirements set out in this By-law, every application for a Short-Term Accommodation Broker Licence shall include the following:

- (a) if the Applicant is a corporation, an updated certified copy of an annual return with a list of shareholders of the corporation;
- (b) if the Applicant is an individual, original documents from the issuing agency outlining the results of a Criminal Record and Judicial Matters Check, dated less than ninety (90) days prior to the date of application, and satisfactory to the Licence Manager;
- (c) if the Applicant is an individual, proof that the Applicant is at least eighteen (18) years of age;
- (d) the address of a place of business in the Province of Ontario, which is not a post office box, to which the Licence Manager may send any notice or documentation or communication that may be required under this By-law and at which the Applicant or the Applicant's agent will accept receipt of such notice, documentation or communication;
- (e) the name, telephone number and email address of a designated representative;
- (f) if an agent is making the application on behalf of an Applicant, they must provide written proof satisfactory to the Licence Manager that the agent has been delegated the authority to act as the Applicant's agent;
- (g) an insurance certificate demonstrating general liability insurance for the operations of the proposed Short-term Accommodation Broker against claims filed against the applicant with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000;
- (h) the Applicant will provide an indemnity in favour of the City from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the Short-term Accommodation, which shall be in a form satisfactory to the Licence Manager, and conditional on a Licence being issued, and;
- (i) any other information, affidavits or documents reasonably required by the Licence Manager.

7.0 CONDITIONS TO HOLD A LICENCE

7.1 In addition to all the requirements set out in this By-law, every holder of a Short-term Accommodation Provider Licence is subject to the following conditions of obtaining and continuing to hold a licence:

- (a) shall ensure that the municipal address of the Short-term Accommodation is also the Resident Address of the Short-term Accommodation Provider;
- (b) shall ensure that Short-term Accommodation is provided at the same municipal address for which the Short-term Accommodation Provider Licence was issued;
- (c) shall not operate more than two Short-term Accommodations
- (d) shall not offer more than five bedrooms as Short-term Accommodation;
- (e) shall post and include the valid Short-term Accommodation Provider Licence number in a conspicuous place and within any medium or material used to market, advertise, or broker the Short-term Accommodation;
- (f) shall provide to every guest staying in the Short-term Accommodation a local emergency contact of a person available during the guest's entire rental period;
- (g) shall post any and all "Fire Safety" material, provided by the London Fire Department, within the Short-term Accommodation at the locations and in the manner specified;
- (h) where a Short-term Accommodation Broker is not used, shall promptly issue an invoice, contract, receipt, or similar document to all guests that includes the Short-term Accommodation Provider's valid licence number, the nightly and total price charged for each individual rental including any Municipal Accommodation Tax, and any other information prescribed by the Licence Manager;

- (i) shall maintain insurance as required under section 5.1 of this Schedule, and file with the Licence Manager at least five (5) days prior to the expiry date of any current insurance policy an insurance renewal policy or certificate of insurance, and;
- (j) shall provide an indemnity in favour of the City from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the Short-term Accommodation, which shall be in a form satisfactory to the Licence Manager.

7.2 In addition to all the requirements set out in the By-law, every holder of a Short-term Accommodation Broker Licence is subject to the following conditions of obtaining and continuing to hold a license:

- (a) shall include in a conspicuous place on every listing of a Short-term Accommodation, the current and valid Short-term Accommodation Provider licence number issued with respect to the Short-term Accommodation;
- (b) shall maintain insurance as required under section 6.1 of this Schedule, and file with the Licence Manager at least five (5) days prior to the expiry date of any current insurance policy an insurance renewal policy or certificate of insurance;
- (c) shall provide an indemnity in favour of the City from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the Short-term Accommodation, which shall be in a form satisfactory to the Licence Manager, and;
- (d) shall issue an invoice, contract, receipt, or similar document to all guests that includes the Short-term Accommodation Provider's Licence number, the nightly and total price charged for each individual rental, including any Municipal Accommodation Tax, and any other information reasonably required by the Licence Manager.

8.0 PROHIBITIONS

8.1 No Person shall own or operate a Short-term Accommodation without holding a current valid Short-term Accommodation Provider Licence issued under this By-law.

8.2 No Person shall operate as a Short-term Accommodation Broker without holding a Short-term Accommodation Broker Licence issued under this By-law.

8.3 No Person shall operate, advertise, broker, carry on the business of, or permit the operation, advertising, brokering or carrying on the business of a Short-term Accommodation in a Dwelling unless it is the Person's Resident Address.

8.4 No Person licensed as a Short-term Accommodation Provider shall operate, advertise, broker, carry on the business of, or permit the operation, advertising, brokering, licensing, or carrying on the business of more than two Short-term Accommodations at the same time.

8.5 No Person shall advertise, provide, broker, or market a Short-term Accommodation without prominently displaying the Short-term Accommodation Provider Licence number issued with respect to the Short-term Accommodation.

8.6 No Person shall advertise or offer Short-term Accommodation at a municipal address that is not the Resident Address of the Short-term Accommodation Provider.

8.7 No Person who advertises a Short-term Accommodation that is not in compliance with this By-law shall fail to forthwith cease to so advertise, and remove such advertising.

8.8 No Person who operates a Short-term Accommodation shall use the services of a Short-term Accommodation Broker that is not licensed in accordance with this By-law.

- 8.9 No Short-term Accommodation Provider and no Short-term Accommodation Broker shall:
- (a) book or reserve more than two (2) unrelated or unassociated individuals as separate guests at the same Short-term Accommodation at the same time;
 - (b) offer or provide more than 5 bedrooms as Short-term Accommodations at the same Dwelling at the same time;
 - (c) contravene or fail to comply with a term or condition of their Licence imposed under this By-law; or
 - (d) operate or advertise a Short-term Accommodation while the Licence issued under this By-law is under suspension.
- 8.10 No Short-term Accommodation Broker shall advertise a Short-term Accommodation without prominently displaying the Short-term Accommodation Provider Licence number issued with respect to the Short-term Accommodation.