

# **The Corporation of the Town of Aurora**

## **By-law Number XXXX-22**

### **Being a By-law to regulate and license Short Term Rentals in the Town of Aurora.**

**Whereas** Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act”) as amended, provides that powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

**And whereas** Section 11(3) of the Act provides that a municipality may pass by-laws respecting business licensing;

**And whereas** Section 11 of the Act provides that a municipality may pass by-laws respecting consumer protection, parking, the health, safety, and well-being of persons, and the economic, social, and environmental well-being of the municipality;

**And whereas** Section 151 of the Act provides that a municipality may license, regulate and govern any business, wholly or partly carried on within the municipality, even if the business is being carried on from a location outside the municipality;

**And whereas** Subsection 391(1) of the Act provides that a municipality may pass by-laws imposing fees or charges on any persons for the use of its property including property under its control;

**And whereas** Section 446 of the Act provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law but has failed to do and to recover the costs of doing so by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**And whereas** Council for The Corporation of the Town of Aurora considers it desirable and necessary to address the concerns and opportunities presented by short-term rentals, the Council wishes to enact a new by-law to establish a system to license and regulate short-term rentals;

**Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:**

#### **1. Definitions**

1.1 In this by-law, the following words have the following meanings:

- (a) **“Act”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) **“Applicant”** means the Person that is seeking to become licensed under this by-law and applies, or has an application made on their behalf, to the Town for obtain a License;
- (c) **“Council”** means the Council of the Town;

- (d) **"Dwelling Unit"** means a room, or a series of rooms, used or intended to be used by one, or more persons together, as a single establishment for which living, sleeping and sanitary facilities are provided;
- (e) **"License"** means an authorization under this by-law to carry on the calling, business or occupation specified therein;
- (f) **"Licensee"** means any Person that is listed on a License as being authorized by the License to carry on the calling, business or occupation specified therein, and includes any Person otherwise responsible for or obligated by the License;
- (g) **"Lot"** means a parcel of land which is legally capable of being conveyed in accordance with the *Planning Act* R.S.O. 1990, Chapter 13 as amended, or is described in accordance with a registered Plan of Condominium;
- (h) **"Officer"** means any individual designated or appointed by the Town to enforce this by-law, and includes any Municipal Law Enforcement Officer and any police officer;
- (i) **"Manager"** means the Manager of By-law Services for the Town, or their designate;
- (j) **"Market"** means sell, offer for sale, promote, canvass, solicit, rent, broker, advertise, book, arrange or facilitate sale or rental, and includes placing, posting, or erecting advertisements physically or online;
- (k) **"Operator"** means any Person that operates or owns a Short-Term Rental;
- (l) **"Person"** includes a natural person, corporation, partnership or party, and the personal or other legal representatives to whom the context can apply according to law;
- (m) **"Short-Term Rental"** means all or part of a Dwelling Unit used to provide temporary sleeping accommodations for any rental period that is less than twenty-eight (28) consecutive days in exchange for payment, and includes bed and breakfast establishments and any units otherwise deemed or presumed to fall into this definition pursuant to this by-law;
- (n) **"Short Term Rental Company"** means any Person who facilitates or brokers Short Term Rental reservations via the internet and who:
  - (i) receives payment, compensation, or any financial benefit due to, as a result of, or in connection with a Person making or completing reservations of those Short-Term Rentals; or
  - (ii) collects, accesses, or holds information on the number of nights that reservations of those Short-Term Rentals are made or completed.

This definition does not apply to a Person who facilitates or brokers reservations for a Short-Term Rental that is the principal residence of that Person or their immediate family.

- (o) **"Town"** means The Corporation of The Town of Aurora and/or the geographical limits of the Town of Aurora, depending on the context of the provision in which the term appears;
- (p) **"Tribunal"** means the Aurora Appeal Tribunal established pursuant to the Tribunal By-law;
- (q) **"Tribunal By-law"** means the Aurora Appeal Tribunal By-law, as amended or successor thereof;
- (r) **"Zoning By-law"** means the Zoning By-law of the Town of Aurora, as amended or successor thereto.

## 2. **Application and Short Name**

- 2.1 This by-law shall be known and may be cited as the "Short-Term Rental By-law".
- 2.2 The provisions of this by-law shall apply to all lands and premises within the Town of Aurora.
- 2.3 Notwithstanding the above, this by-law does not apply to:
  - (a) hotels, motels and long-term care facilities that are operated in compliance with the Zoning By-law and any applicable law;
  - (b) the activities by or on behalf the Town, The Regional Municipality of York, the Lake Simcoe Region Conservation Authority, the Toronto and Region Conservation Authority, a school board operating under the *Education Act*, R.S.O. 1990, c. E.2, the Province of Ontario, or the Federal Government of Canada.
- 2.4 In this by-law, any references to Persons who carry on business or Market Short-Term Rentals, or generally carry out activities regulated by this by-law, shall include any activities carried out jointly or partially by multiple Persons, who acting together, carry out such activities, despite that no single Person carries on the activity in its entirety. Any such Person that carries out any part of an activity regulated under this by-law shall be jointly and severally responsible for the same under this by-law and for the activities and omissions of others with whom activities are carried out jointly or acting together.

## 3. **General Prohibitions and Obligations**

- 3.1 No Person shall carry on the business of renting, leasing or letting a Short-Term Rental unless they have a valid License, in good standing, to do so pursuant to this by-law.
- 3.2 No Person shall carry on the business of a Short-Term Rental Company unless they have a valid License, in good standing, to do so issued pursuant to this by-law.
- 3.3 No Person shall operate, rent, lease, let or Market a Short-Term Rental, or any part of it, unless:
  - (a) the Short-Term Rental unit is subject to a valid License pursuant to this by-law;

- (b) the Operator of the Short-Term Rental holds a valid License pursuant to this by-law;
  - (c) the Short-Term Rental being Marketed matches the name and address of the associated License; and
  - (d) it is carried out in compliance with all the requirements, regulations and conditions of:
    - (i) the License associated to the unit,
    - (ii) this by-law, including Schedule A, and
    - (iii) any applicable laws, regulations and Town by-laws, including the Zoning By-law of the Town, the *Building Code Building Code Act*, 1992, S.O. 1992, c. 23 and the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended or successor legislation thereto and any regulations thereunder.
- 3.4 No Person shall conduct or Market any business pursuant to a License during a period when such License is under suspension, has been revoked or has expired pursuant to this by-law.
- 3.5 Every Person shall take down or remove a listing or advertisement related to an unlicensed Short-Term Rental or unlicensed Operator within twenty-four (24) hours of being requested to do so by the Town.
- 3.6 Every Person who issues an invoice, contract, receipt, or similar document related to a Short-Term Rental shall ensure that such document includes the License number of the Operator.
- 3.7 No Person required to be licensed under this by-law shall discriminate against any member of the public in the carrying on of the business on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability in contravention of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended.
- 3.8 No Person shall carry on the business of renting, leasing or letting a Short-Term Rental, in any way or manner on Town owned property, parks, boulevards, highways or other public property, unless specifically authorized to do so by a License issued under this by-law.
- 3.9 A valid License will permit a Person to conduct the specific activities to the stated extent described in the License. If a Person intends to make, or makes, any changes to the information contained in its License, or intends to undertake, or undertakes, new or expanded activities pursuant to a License, such Person is required to obtain a new License or a License amendment for those changes or activities, prior to making such changes or undertaking new or expanded activities.
4. **Short Term Rental Regulations and Operator Obligations**
- 4.1 No more than one (1) Short Term Rental is permitted on any Lot.

- 4.2 Short Term Rentals shall only be operated within one (1) Dwelling Unit on a Lot.
- 4.3 Short Term Rentals shall provide one (1) off-street parking space for each bedroom identified as in use for the Short-Term Rental.
- 4.4 Each bedroom intended to be operated as part of a Short-Term Rental shall be clearly identified at the time of application for a new, or the renewal of, License through the provision of a floor plan to the Town showing the location of each bedroom.
- 4.5 Any changes to the number or location of bedroom(s) of a Short-Term Rental shall be provided to the Town through a License amendment application, prior to permitting the use of any bedrooms that previously have not been identified in the License associated to the Short-Term Rental.
- 4.6 An Operator of a Short-Term Rental shall not:
  - (a) provide or permit any sleeping accommodations within any vehicle, tent, or accessory building while the unit is used as a Short-Term Rental;
  - (b) provide or permit more than three (3) bedrooms to be made available for use as part of the Short-Term Rental;
  - (c) permit more than six (6) overnight guests to stay at the Short-Term Rental;  
or
  - (d) provide or permit beds or bedrooms to be used that are not identified in the License associated to the Short-Term Rental.
- 4.7 An Operator of a Short-Term Rental shall post or display the License number associated to the unit on any Marketing, advertisement, or promotion of any such unit.
- 4.8 An Operator of a Short-Term Rental shall post a sign on the exterior of the Short-Term Rental unit premises in a location conspicuous to the public and in a manner as specified and to the satisfaction of the Manager, and in conformity with the Town's Sign By-law, to identify the unit as being licensed pursuant to this by-law.
- 4.9 An Operator of a Short-Term Rental shall ensure that a Person responds to any concerns raised by guests, neighbours, or the Town within two (2) hours.
- 4.10 An Operator of a Short-Term Rental shall provide to each guest and the Town the telephone number of the Person who will be available to respond to any issues, concerns or complains with respect to the Short-Term Rental.
- 4.11 An Operator of a Short-Term Rental shall only Market, list, or advertise their Short-Term Rental unit on a platform of a Short-Term Rental Company that has a valid license pursuant to this by-law that is in good standing.
- 4.12 Every Short-Term Rental and its associated License shall be subject to, conditional upon, and comply with the provisions of Schedule A of this By-law, including the demerit point system and the licensing requirement outlined in this by-law.

- 4.13 An Operator of a Short-Term Rental shall be subject to and ensure compliance with the provisions of Schedule A of this by-law, and the demerit point system and the licensing requirements outlined in this by-law.
- 4.14 Every Operator of a Short-Term Rental shall maintain in good standing, at all times while holding a License or operating a Short-Term Rental, general Liability Insurance that provides coverage for all claims for personal injury, including bodily injury resulting in death, and property damage with an inclusive limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence. Such insurance shall have an endorsement for Short-Term Rentals and insure the Operator and the Short Term Rental unit against liability for any loss or damage that may result from carrying on the business of renting, leasing or letting a Short-Term Rental.
- 4.15 Every Operator of a Short-Term Rental shall provide proof, satisfactory to the Manager, of the insurance coverage required pursuant to Section 4.14 before the issuance of a License, upon any License renewal, upon expiry of a certificate of insurance and at any other time when required by the Manager in writing to confirm the status of insurance coverage.
- 4.16 Every Operator of a Short-Term Rental shall provide the Manager with at least thirty (30) days' advance notice in writing of any impending cancellation, expiration or variation in the amount or conditions of the policy required by Section 4.14.

**5. Application for License**

- 5.1 All License applications, and any renewals thereof, shall be accompanied by the applicable License or renewal fee, as set out in the Town's Fees and Charges By-law.
- 5.2 An application for a License shall be submitted to the Town in accordance with the requirements set out herein and as required by the Manager. The form, content, terms, conditions and requirements of the application for a License shall be as prescribed by the Manager from time to time and as required under this by-law.
- 5.3 On an application for a License, or the renewal thereof, the Applicant shall submit the following to the Town:
- (a) a completed License application on a form prescribed by the Manager;
  - (b) in case of an application by a natural Person, proof, satisfactory to the Manager, that Applicant is:
    - (i) eighteen (18) years of age or older, and
    - (ii) a citizen of Canada, a permanent resident of Canada, or otherwise possesses a valid work permit or visa issued by the Government of Canada permitting the Applicant to engage in the work activities contemplated by the License;
  - (c) in case of an application by a corporate entity, incorporating documents and a copy of the last annual information return which has been filed with the appropriate government department;

- (d) in case of an application by registered partnership, a registered declaration of partnership and copy of the partnership agreement;
  - (e) any other document or information relating to the operation of the business, or proposed business, requested by the Town, including but not limited to:
    - (i) provincial driver's license;
    - (ii) Vulnerable Sector Screening Search or Criminal Conviction Background Search issued by the Police Service in which the Applicant resides;
    - (iii) Harmonized Sales Tax (HST) number;
    - (iv) York Region Health Department Inspection Certificate;
    - (v) Insurance Certificate;
    - (vi) a permitted use letter from the Town's Building Division;
  - (f) License or renewal fee, as applicable, pursuant to the Town's Fees and Charges By-law; and
  - (g) any outstanding fine(s) owed to the Town.
- 5.4 In addition to and without limiting the above, on an application for a License as an Operator of a Short-Term Rental, or the renewal thereof, the Applicant shall submit the following to the Town:
- (a) proof that the Applicant is an owner of the Lot on which the Short-Term Rental unit is located.
- 5.5 In addition to and without limiting the above, on an application for a License as a Short-Term Rental Company, the Applicant shall submit the following to the Town:
- (a) the Short-Term Rental Company's registered address in Ontario;
  - (b) the name, phone number and e-mail address of a Person responsible for responding to all communications from the Town;
  - (c) the details of the process by which the Short-Term Rental Company will remove advertisements for Short-Term Rentals that are not licensed or not in compliance with this by-law;
  - (d) the details of the Short-Term Rental Company's procedure for dealing with problem Operators and responding to complaints; and
  - (e) an executed agreement with the Town, in a form prescribed by the Town, with respect to the use, retention and disclosure of Operator and guest information.
- 5.6 Upon receipt of an application for a License, or a renewal thereof, and the requisite fee, the Manager shall make investigations as necessary to assess the

application and shall, in accordance with and subject to the criteria, requirements and grounds set out in this by-law:

- (a) issue, or renew, a License;
- (b) in the case of an approved application for a new, or renewed, License, impose such terms and conditions on the License as deemed appropriate by the Manager:
  - (i) for the protection of health, safety and well-being of persons and the economic, social and environmental well-being of the municipality;
  - (ii) to address concerns and opportunities presented by short-term rentals in the municipality;
  - (iii) for the protection of any public infrastructure and private properties;
  - (iv) for the purposes of administration of and compliance with the Short-Term Rental Licensing program and the operations of the Town,
  - (v) to satisfy any requirements of this by-law or any other applicable legislation; or
  - (vi) to address and account for any concerns or issues related to any of the grounds outlined in Subsection 9.1;
- (c) refuse to issue, or renew, a License if:
  - (i) the application is not complete,
  - (ii) all the information as required under this by-law is not provided to the Town,
  - (iii) the application does not meet all the requirements of this by-law, or
  - (iv) there are reasonable grounds to believe that Applicant may not be entitled to the issuance or renewal of a License based on the criteria and grounds outlined in this by-law;

and provide written notice of such a decision to the Applicant.

5.7 A notice of pursuant under Paragraph (b) or (c) of Subsection 5.6 shall include a statement that:

- (a) Applicant may request a hearing before the Tribunal to appeal the decision by delivering a written request in accordance with the Tribunal By-law within thirty (30) calendar days of deemed receipt of the notice; and
- (b) if no request for a hearing is provided in accordance with Paragraph (a), then the decision referred to in the notice shall be final.

5.8 If, before the expiry of a License, a Licensee has applied for renewal of the License and has remitted the prescribed fee, the License shall be deemed to:



- (a) continue until the renewal is granted;
  - (b) if the licensee is served with a notice under Paragraph (c) of Subsection 5.6, continue until the time for requesting a hearing with the Tribunal has expired or, where a hearing has been requested pursuant to the provisions of the Tribunal By-law, until a decision is made and deemed to have been provided to the Applicant; or
  - (c) continue until it is revoked pursuant to the provisions of this by-law;
- whichever occurs first.

- 5.9 No Person shall be permitted to apply for the renewal of an existing License before thirty (30) days before the expiry of such License.
- 5.10 If a Licensee does not apply for renewal within thirty-one (31) calendar days after the renewal date of a License, such License shall be deemed to have expired, without a right of appeal, and a new License application shall be required to restore any such License.
- 5.11 Subject to the provisions of the Tribunal By-law, if upon notice of decision under Paragraph (b) or (c) of Subsection 5.6, a request for a hearing is not provided in accordance with the provisions of the Tribunal By-law within thirty (30) calendar days of deemed receipt of such notice, the decision shall be deemed to be final without any further right of appeal and the License shall be permanently subject to such decision.
- 5.12 If a Person submits a License application, or renewal, that is incomplete or that does not include the requisite applicable fees, the Town has no obligation to review or consider such application until such time as the application is completed as required under this by-law and the applicable fees provided.
- 5.13 If a Person submits a License application and additional information or documentation is required to be provided by the Town with respect to the application, any such outstanding or required information shall be supplied to the Town within thirty (30) days of the request made by the Town, failing which the application may be refused by the Town at the discretion of the Manager and a new application for a License will be required.

## **6. License Fees**

- 6.1 Fees payable pursuant to this By-law shall be as set out in the Town's Fees and Charges By-law.
- 6.2 Every holder of a License pursuant to this by-law shall be subject to the fees and charges set out in this by-law and shall pay such fees immediately when due.
- 6.3 In addition to and notwithstanding the above, an administrative fee of 25% of the renewal fee shall be added to each unpaid renewal fee that is paid after the renewal date of the License.
- 6.4 Once a License is issued by the Town, no fee shall be refunded by the Town in any circumstances.

## **7. Validity of a License**

- 7.1 The Licenses issued pursuant to this by-law shall be valid from the period commencing on the date of issuance of the License and, unless they are sooner forfeited, cancelled or revoked, shall in each case expire on December 31 of each of year for which it was issued.
- 7.2 Notwithstanding any decision of, or statement by, Council, the Tribunal, any Tribunal member, or any employee of the Town, respecting the granting of a License or application therefor, no Person shall be deemed to be Licensed until the fee required by this by-law with respect to such License is paid to the Town and the physical License, plate, or other evidence of the granting of such License is provided by the Town.
- 7.3 Every License issued shall be deemed to be personal to the Licensee named therein and shall not be transferable under any circumstances.
- 7.4 No Person shall enjoy a vested right in the continuance of a License and upon the issuance or renewal thereof, the License shall be the property of the Town of Aurora.
- 8. Revocation and Suspension of a License**
- 8.1 Where the Manager is of the opinion, based on any investigation or applicable information, that any licensee under this by-law is not entitled to hold a License or continue under License based on the grounds referred to in Section 9, the Manager may issue a decision to revoke, suspend or to add/vary any conditions on a License of a such a licensee and provide written notice of such a decision to the licensee.
- 8.2 A notice pursuant Subsection 8.1 shall include a statement that:
- (a) Licensee may request a hearing before the Tribunal to appeal the decision by delivering a written request in accordance with the Tribunal By-law within thirty (30) calendar days of deemed receipt of the notice; and
  - (b) if no request for a hearing is provided in accordance with Paragraph (a), then the decision referred to in the notice shall be final.
- 8.3 A License subject to a decision under Subsection 8.1, provided that it has not otherwise expired or been revoked pursuant to other provisions of this by-law, shall be deemed to continue, and not subject to suspension in the case of a notice of suspension, until the time for requesting a hearing with the Tribunal has expired pursuant to Subsection 8.4 or, where a hearing has been requested pursuant to the provisions of the Tribunal By-law, until a decision is made and deemed to have been provided to the licensee.
- 8.4 Subject to the provisions of the Tribunal By-law, if upon notice of decision under Subsection 8.1, a request for a hearing is not provided in accordance with the provisions of the Tribunal By-law within thirty (30) calendar days of deemed receipt of such notice, the decision shall be deemed to be final without any further right of appeal and the License shall be permanently subject to such decision.
- 8.5 Notwithstanding anything else in this by-law, if the Manager is satisfied that the continuation of any activity licenced under this by-law poses an immediate

danger to the health or safety of any person or property, the Manager may suspend the Licence without a hearing on conditions he/she considers appropriate, subject to the following:

- (a) before suspending the Licence, the Manager shall provide the Licensee with reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
- (b) the suspension shall not exceed 14 days.

8.6 If the Manager suspends, cancels, revokes, or refuses to issue or renew a License, the Town may post a notice, of such suspension, cancellation, revocation, or refusal to issue or renew, on the premises of the business subject to such License. Such notice posted by the Town shall not be removed until such time as the Manager issues a valid License for such premises, or otherwise the Manager permits such removal.

8.7 If a business is operating without a License as required under this by-law, the Town may post a notice describing the failure to hold a valid License on the premises of such a business. Such notice posted by the Town shall not be removed until such time as the Manager issues a valid License for such premises, or otherwise the Manager permits such removal.

**9. Grounds and Criteria for License Refusal, Revocation and Variation**

9.1 A Licence holder or Applicant for a Licence, or renewal, is, subject to the provisions of this by-law, entitled to a Licence, or renewal, except where:

- (a) the conduct of the licensee or Applicant affords reasonable grounds to believe that the licensee or Applicant has not carried on, or will not carry on, the business in accordance with applicable law and with integrity and honesty;
- (b) there are reasonable grounds to believe that the carrying on of the business by the licensee or Applicant has resulted, or will result, in a breach of this or any other by-laws, or any other law;
- (c) there are reasonable grounds to believe that the licensee or Applicant has provided false information to the Town, the Manager or any Officer, in order to obtain, or maintain, a License;
- (d) the applicant is a corporation and its conduct or the conduct of its officers, directors, employees, or agents affords reasonable grounds to believe that its business has not been, or will not be, carried on in accordance with law and with integrity and honesty;
- (e) there are reasonable grounds to believe that the premises, advertising, or platform in respect of which the Licence is required have not complied, or will not comply, with the provisions of this or other by-laws, or any other law;
- (f) the conduct of the licensee or Applicant or other circumstances afford reasonable grounds to believe that the carrying on of the business by the license or Applicant has infringed, or would infringe, the rights of other

members of the public, or has endangered, or would endanger, their health or safety.

- 9.2 Where an Applicant for a Licence or its renewal, or the holder of a License, is a corporation or a partnership, Subsection 9.1 shall apply to any of the officers or directors of the corporation or partners in the partnership.
- 9.3 In addition to the grounds set out in Subsection 9.1, a Person shall not be entitled to apply for or hold a License, and the Manager shall refuse to issue or renew a License where, in the year prior to the date of the Application:
- (a) the Person applied for and been finally refused a License;
  - (b) the Person applied for or held a License and had it finally revoked; or
  - (c) the Short-Term Rental unit for which the License is being sought has its License finally refused or revoked.
- 9.4 Notwithstanding other provisions of this by-law, a License issued in error or in contravention of the provisions of this by-law may be revoked by the Manager upon learning of the mistake or contravention, with such decision becoming effective immediately. In the event of such revocation, the Manager shall issue a revocation decision pursuant to Subsection 8.1.

#### 10. **Demerit Point System**

- 10.1 In addition to and without limiting anything in this by-law, a demerit point system is hereby established to govern, administer and enforce non-compliance of Licenses issued pursuant to this by-law.
- 10.2 Upon initial approval of a new License, the Licensee shall have zero (0) demerit points. The demerit points shall reset to zero (0) upon each anniversary of the date of initial License approval.
- 10.3 Contraventions of this by-law, or any law applicable to the Short-Term Rental or the Licensee, shall result in the accrual of demerit of points, as outlined in Schedule A and elsewhere in this by-law.
- 10.4 If, at any time:
- (a) a Licensee accrues more than fourteen (14) demerit points assigned to their License, or
  - (b) in the event a Licensee was issued a previous decision under this Subsection and was permitted, by decision of the Manager or the Tribunal that is final, to continue to operate with more than fourteen (14) demerit point, and the Licensee accrues any additional demerit points since the issuance of the previous decision,

the Manager shall issue a decision to revoke such License or to add/vary conditions imposed on such License pursuant to Section 8.1. Such decision shall be subject to appeal and the requirements outlined in Section 8.

#### 11. **Appeal of Decisions to Tribunal**

- 11.1 Where an Applicant or Licensee wishes to appeal a decision made pursuant to Subsection 5.6 or 8.1, such an Applicant or Licensee may appeal such decision to the Tribunal by delivering notice and any applicable fee in accordance with the provisions of the Tribunal By-law within thirty (30) calendars days of receipt of the decision or notice from the Town, or deemed receipt, whichever is earlier.
- 11.2 Notices, decisions and requests to be provided under this by-law, unless otherwise noted or specifically addressed in this by-law, shall be deemed to have been served and provided in accordance with the Rules of Procedures established under the Tribunal By-law.
- 11.3 Upon receipt of a notice to appeal a decision pursuant to Subsection 11.1, such a request shall be processed and handled in accordance with the Tribunal By-law.

**12. Administration and Enforcement**

- 12.1 The Director and the Manager shall be responsible for and are delegated the power to administer and enforce this by-law, including prescribing the content and form of any licences, forms or other documents required under this by-law.
- 12.2 The Manager shall be responsible for and is delegated the power to issue, refuse, revoke, cancel, suspend, set conditions of and in impose conditions on, request information with respect to, process and administer licenses and any related applications.
- 12.3 The Director, the Manager and Officers are hereby delegated the authority to enforce this by-law, including the authority to conduct inspections and investigations under this by-law, the Act, as amended, and any other applicable by-law or legislation.
- 12.4 The Director is authorized to delegate responsibilities for the administration and enforcement of this by-law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.

**13. Power of Entry, Inspection, Prohibitions**

- 13.1 An Officer, or any other individual authorized to enforce this by-law on behalf of the Town, may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
- (a) this by-law;
  - (b) any permit or license issued pursuant to this by-law,
  - (c) any direction or order under this by-law;
  - (d) an order issued under section 431 of the Act.
- 13.2 Where an inspection is conducted pursuant to this section, an Officer or any other individual authorized to enforce this by-law on behalf of the Town, may:
- (a) require the production for inspection of documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
  - (c) require information from any Person concerning a matter related to the inspection; and
  - (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- 13.3 No Person shall hinder or obstruct or attempt to hinder or obstruct the Town, its employees, officers or agents from carrying out any powers or duties under this by-law.
- 13.4 No Person shall fail to comply with, or contravene, any order or direction issued by the Town pursuant to this by-law or the Act.
- 13.5 Where an Officer, or an individual authorized to enforce this by-law, has reasonable grounds to believe that an offence has been committed by any Person, they may require the name, address and proof of identity of that Person, and the Person shall supply the required information.
- 13.6 No Person shall decline or neglect to give, produce or deliver any information, document or other thing that is requested by the Town pursuant to this by-law.
- 13.7 No Person shall knowingly make, participate in, assent to or acquiesce in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this by-law.
- 14. **Orders**
  - 14.1 Where the Manager or any Officer is satisfied that a contravention of this by-law has occurred, such Manager or Officer may make an order requiring that the Person who caused or permitted such contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity and/or to do work to correct the contravention.
  - 14.2 An order pursuant to this section shall set out the following:
    - (a) reasonable particulars identifying the location of the land on which the contravention occurred;
    - (b) reasonable particulars of the contravention;
    - (c) what is required of the Person subject to the order (i.e., what activity is to be seized and/or actions or work to be done);
    - (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done; and
    - (e) information regarding the Town's contact Person.
  - 14.3 An order pursuant to this section shall be deemed to have been received upon:
    - (a) personal service of the order on the Person subject to the order;

- (b) one day after transmission of the order through electronic means to an email or social media address provided by the Person subject to the order;
- (c) one day after posting the order in a conspicuous location on the property subject to the order;
- (d) the fifth (5th) day after the order is sent by registered mail to the last known address of the Person who is subject to the order.

**15. Remedial Action and Cost Recovery**

- 15.1 Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by any Person within a specified time period, in default of it being done by the Person directed or required to do it, the action may be taken under the direction of the Director or an Officer at that Person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.
- 15.2 For the purposes of taking remedial action under this section, the Town, its staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

**16. Offences and Penalties**

- 16.1 Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.
- 16.2 Every Person who contravenes any order issued pursuant to this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.
- 16.3 If a corporation has contravened a provision of this by-law, including an order issued under this by-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.
- 16.4 Pursuant to Subsection 429(2) of the Act, all contraventions of this by-law or orders issued under this by-law are designated as continuing offences. If a contravention of any provision of this by-law has not been corrected, or an order issued under this by-law has not been complied with, the contravention of such a provision or an order shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected or an order not complied with.
- 16.5 On conviction of an offence under this by-law, every Person is liable to a fine in accordance with the following rules pursuant to the Act:
- (a) to a fine of not less than \$500.00 and not more than \$100,000.00;
  - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, despite paragraph (a), the total of all the daily fines for an offence is not limited to \$100,000;

- (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, despite paragraph (a), the total of all fines for each included offence is not limited to \$100,000.

- 16.6 In addition to fines under this section, a Person convicted of an offence under this by-law may be liable to a special fine in the amount of the economic advantage or gain that such a Person obtained from the contravention of this by-law. Notwithstanding Subsection 16.5 above, a special fine may exceed \$100,000.
- 16.7 Where a Person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

#### 17. **Administrative Penalties**

- 17.1 Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this by-law, an individual authorized to enforce this by-law on behalf of the Town may issue an administrative penalty to the Person who has contravened this by-law.
- 17.2 Individuals authorized to enforce this by-law on behalf of the Town have the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*, R.S.O. 1990, c. P.33. If an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.
- 17.3 The amount of the administrative penalty for a breach of a provision of this by-law, shall be as established pursuant to applicable Town by-laws.
- 17.4 A Person who is issued an administrative penalty shall be subject to the procedures as provided for in the applicable Town by-laws relating to administrative penalties.

#### 18. **Presumption**

- 18.1 The holder of the License for the Short-Term Rental on which a non-compliance or contravention has occurred shall be presumed to have carried out or caused, or permitted to be carried out, the non-compliance or contravention, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 18.2 Any unit that is Marketed for the purpose of renting, leasing or letting such a unit for temporary sleeping or lodging accommodations for a period that is less than twenty-eight (28) consecutive days in exchange for payment, shall be presumed to be a Short-Term Rental pursuant to this by-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 18.3 Any unit that is Marketed for the purpose of renting, leasing or letting such that a guest, visitor or lodger is permitted or has the option to rent, lease or let such unit for a period that is less than twenty-eight (28) days, shall be presumed to provide accommodations for a rental period that is less than twenty-eight (28)



consecutive days, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

**19. Severability**

- 19.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this by-law that such provision or part of a provision shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this by-law.

**20. Effective Date**

- 20.1 This by-law comes into full force and effect on the date of final passage hereof.

**Enacted by Town of Aurora Council this 28th day of June, 2022.**

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**Tom Mrakas, Mayor**

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**Michael de Rond, Town Clerk**

**Schedule A**

**Demerit Point System for Short Term Rentals**

1. Contraventions by a Short-Term Rental, or by the Operator or Licensee of such Short-Term Rental, will result in the accrual of demerit points as outlined Table 1 below.
2. The number of demerit points referenced in Column 3 of Table 1 of this Schedule will be accrued against the Short-Term Rental unit, and the Licensee of such unit, in respect to the matter noted in Column 1 applied against the Short-Term Rental, or the Operator or Licensee of such Short-Term Rental as it pertains to the Short-Term Rental unit, under the following conditions:
  - (a) fifteen (15) days from the date of issue of an administrative penalty issued under the Town's administrative penalty system by-law;
  - (b) upon the issuance of a Part 1 or Part III ticket under the *Provincial Offences Act*; or
  - (c) upon conviction in the Ontario Court of Justice;
  - (d) the confirmation of an order issued pursuant to this by-law; or
  - (e) the confirmation of any contravention documented by Central York Fire Services.

Table 1		
Column 1 Infraction	Column 2 Reference	Column 3 Demerit Points
Contravention of the Fire Protection and Prevention Act or the Fire Code	<i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4; O. Reg. 213/07</i>	15
Operate while license is suspended or revoked	Subsection 3.4 of the STR	15
Contravention of the Building Code Act or the Building Code	Building Code Act, 1992, S.O. 1992, c. 23; O. Reg. 332/12	15
Failure to post a sign on the premises identifying the unit as a Short-Term Rental	Subsection 4.8 of the STR	7
Permitting use of more than the number of bedrooms authorized	Subsection 4.6 of the STR	7
Permitting more than the number of guests authorized	Subsection 4.6 of the STR	7
Failure to post business license number on advertisements	Subsection 4.7 of the STR	5
Failure to respond to complaint by specified time	Subsection 4.9 of the STR	5
Contravention of the Noise By-law	Noise By-law 6381-21 of the Town	3
Contravention of Property Standards By-law	Property Standards By-law 4044-99 of the Town	3
Contravention of Clean Communities By-law with respect to weeds and grass	Clean Communities By-law 6257-20 of the Town	3
Contravention of Clean Communities By-law with respect to garbage and waste	Clean Communities By-law 6257-20 of the Town	3

- \* References to the "STR" in the table above shall mean Short-Term Rental By-law.
- \* All references in the table above to by-laws, statutes and regulations are references to such as they are amended from time to time, and to any successor legislation.