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## The Corporation of the City of Peterborough

### By-Law Number 17-067

Being a By-law to require owners of Lodging Houses and Rental Dwelling Units to obtain a business licence

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#### Recitals

- A. Section 8 of the **Municipal Act, 2001** (the “Act”), confers broad authority on a municipality to govern its own affairs as it considers appropriate to enhance the municipality’s ability to respond to local issues.
- B. Section 8 of the Act empowers a municipality to regulate or prohibit a matter that is a municipal issue.
- C. Section 10(2) of the Act provides that a single tier municipality may pass by-laws respecting business licensing.
- D. Section 151 of the Act provides that a municipality may provide for a system of licences with respect to obtaining, continuing to hold or renew a business licence.
- E. Owners who operate a Lodging House and/or a Rental Dwelling Unit and who receive Rent are operating a business.
- F. The municipal council for the City of Peterborough has determined that licensing and inspecting Large Lodging Houses and Small Lodging Houses will help ensure the safety of occupants thereof is a municipal interest.
- G. The municipal council for the City of Peterborough has determined that licensing and providing for the inspection of Large Rental Dwelling Units and Small Rental Dwelling Units is in the municipal interest.

**Now therefore**, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

#### 1.0 Definitions

##### 1.1 In this by-law,

**Annual Self-Attestation Form** – means a form prepared, from time to time, by the Peterborough Fire Service which requires an Owner of a Large Rental Dwelling Unit or a Small Rental Dwelling Unit to attest to the truthfulness of certain matters.

**Authorized Official** – means:

- a. a Building Inspector, By-law Enforcement Officer, and/or the Chief Building Official;
- b. Fire Prevention Officers employed by the City;
- c. Employees of the Peterborough County-City Health Unit;
- d. an inspector qualified to perform an inspection under the Electrical Safety Act; and

- e. any designate to the foregoing.

**Bedroom** – means a room, or area in a Licensed Rental Premises or a Dwelling Unit equipped, used or designed for sleeping. (amended by 24-023)

**Building Inspector** – means a person employed in the City’s Building Services Division who is required to uphold:

- a. the requirements of the **Building Code Act** and/or its regulations; and/or
- b. the requirements of any City by-law relating to Zoning, Property Standards or Property Maintenance; and/or
- c. any person accompanied by a Building Inspector who has been retained by the City to offer professional advice to a Building Inspector.

**Business Licence or Licence** – means a licence, issued by the City Clerk, which permits an Owner to operate a Licensed Rental Premises.

**By-law Enforcement Officer** – means a person employed by the City whose responsibilities include enforcing the City’s by-laws relating to zoning, property standards or property maintenance.

**City** – means The Corporation of the City of Peterborough.

**City Clerk or Clerk** – means the City Clerk and his/her designate(s).

**Comprehensive Zoning By-law** – means By-law 97-123 and any amendments thereto or any successor by-law thereto.

**Dwelling Unit** – means connected space for residential purposes, within a building which includes one or more Bedrooms, sanitary facilities, and cooking facilities, all of which are provided for the exclusive use of the occupants thereof and which has a private entrance from either the outside of the building or through a common area.

**Follow-up Inspection** – means each inspection performed by one or more Authorized Official after an Initial Inspection was completed and the Licensed Rental Premises did not meet the minimum requirements of one or more of the **Building Code**, the **Fire Code**, the **Electrical Code** or any Property Standards or Property Maintenance by-law.

**Follow-up Inspection Fee** – means the fee payable to the City for the performance of each inspection after the inspection contemplated by the Initial Inspection Fee or, as the case may be, the Renewal Fee.

**Initial Inspection** – means the first inspection performed by the Authorized Officials at a Small Lodging House or at a Large Lodging House.

**Initial Inspection Fee** – means either:

- a. the fee of zero dollars required to obtain a Business Licence on or before 30 September 2018; or
- b. after 30 September 2018, the fee paid by an Owner for the inspection of a Small Lodging House or Large Lodging House.

**Lodging House, Large or Large Lodging House** – means a type of Dwelling Unit containing between 11 and 30 Bedrooms which does not function as a single housekeeping unit.

**Lodging House, Small or Small Lodging House** – means a type of Dwelling Unit containing 5 but no more than 10 Bedrooms which does not function as a single housekeeping unit

**Licensed Rental Premises** – means a:

- a. Rental Dwelling Unit, Large;
- b. Rental Dwelling Unit, Small
- b. Lodging House, Large; or
- c. Lodging House, Small

**Licensee** – means a person, firm or corporation to whom the Clerk has issued a Business Licence under this by-law.

**Owner** – means any person, firm, corporation or Licensee having control of a Licensed Rental Premises or the property upon which the Licensed Rental Premises is located or over any portion of the foregoing.

**Renewal Fee** – means the annual business licence fee, set out in Schedule A of this by-law, required to operate each of a:

- a. Rental Dwelling Unit, Large;
- b. Rental Dwelling Unit, Small
- b. Lodging House, Large; or
- c. Lodging House, Small.

**Renewal Inspection** – means the annual inspection performed at a Small Lodging House or a Large Lodging House by Authorized Officials in conjunction with renewing a business licence.

**Rent** – means the consideration provided for occupying a Bedroom, whether the consideration is money or something else.

**Rental Dwelling Unit, Large or Large Rental Dwelling Unit** – means a type of Dwelling Unit offered for Rent containing 5 or more Bedrooms which functions as a single house-keeping unit.

**Rental Dwelling Unit, Small or Small Rental Dwelling Unit** – means a type of Dwelling Unit containing 4 Bedrooms, of which 1 to 4 Bedrooms are offered for Rent.

**Tenant** – means a person who provides Rent to an Owner or to a Licensee.

1.2 The following words have the meaning given to them in the City's Comprehensive Zoning By-law.

- a. **Bed and Breakfast Establishment;** and
- b. **Emergency Shelter;**

- c. **Group Home;**
- d. **Hospice;**
- e. **Hotel;**
- f. **Multi-suite Residence;**
- g. **Lot.**

## **2.0 Owner's Requirements**

2.1 Every Owner when applying for a Business Licence to operate a Small Lodging House or a Large Lodging House shall submit along with his/her application, a letter from the City's Building Services Division confirming the zoning of the property upon which the Small Lodging House or a Large Lodging House will be operated.

2.2 Every Owner of a Licensed Rental Premises shall display, in an unobstructed manner, the current Business Licence obtained for each Licensed Rental Premises in:

- a. a ground-floor window at the front of the Licensed Rental Premises; and
- b. in a conspicuous place in the entrance hallway of the Licensed Rental Premises.

2.3 Every Owner of a Small Lodging House or a Large Lodging House shall, as a condition of obtaining a Licence, permit, as the case may be, the Initial Inspection, each Renewal Inspection and each Follow-up Inspection of the Licensed Rental Premises by any Authorized Official.

### **2.4 Application Fee – Requirements**

An application for a Licence, or for the renewal of a Licence, shall be made on the forms provided by the Clerk, and each completed application shall be submitted to the Clerk, accompanied by the following Fee or Fees:

- a. The Renewal Fee, in the amount specified in Schedule 'A' or, by the sum of zero dollars in accordance with the exception contained in Article 9.1 below;
- b. The Inspection Fee, if applicable;
- c. The Follow-up Inspection Fee, if applicable;

### **2.5 Refusal – Licence Fee Non-refundable**

Where an application for a Business Licence, or for renewal of a Business License, is refused, the Renewal Fee shall not be refunded and any person making a subsequent application for the same Licensed Rental Premises shall be required to pay the Renewal Fee again.

### **2.6 Renewal – Refusal Conditions**

An applicant whose application meets all the requirements of this by-law is entitled to the issuance or renewal of a Business License except where:

- a. Past conduct of the applicant affords reasonable grounds for belief that the issuance of a licence would be adverse to the public interest; or

- b. The applicant is carrying on activities that are, or would be, if licensed, in contravention of this by-law, any other by-law, or federal or provincial statute or regulations.

## **2.7 License – Term**

- a. With the exception of a Business Licence issued under Article 9.1, every Business License issued pursuant to this by-law shall be valid for one year.
- b. Notwithstanding Article 2.7(a), no Business Licence issued under this by-law is transferable to a new Owner of a Licensed Rental Premises.

## **2.8 Duplicate Licence**

The Clerk may issue a duplicate Business License to a Licensee to replace any previously issued Business License which has been lost, stolen or destroyed, upon written application by the Licensee and upon payment of a twenty (\$20.00) dollar administrative fee.

## **2.9 Change of Address – Required**

Where the name or address of a Licensee changes, the Licensee shall notify the Clerk in writing within fifteen (15) business days.

## **2.10 Compliance**

Compliance with applicable statutes, regulations and by-laws shall be deemed to be a condition of each Business Licence issued pursuant to this by-law.

## **2.11 Revocation**

Failure to comply with the terms and/or conditions of a Business License may constitute grounds for revocation of the Business License by the Clerk.

## **2.12 Inspection of Licensed Rental Premises by Authorized Official**

Each Licensed Rental Premises may be inspected at all reasonable times by one or more Authorized Official.

## **2.13 Inspection – Owner to Permit**

Every Owner of a Licensed Rental Premises shall permit a Licensed Rental Premises to be inspected by Authorized Officials at any reasonable time.

## **3.0 Administration – Clerk – Duties**

### **3.1 Applications – Processing Renewals**

The City Clerk shall have the authority to receive and process all applications for Business Licences and renewal Licences, and to issue such Licenses.

### **3.2 Investigation – Reports as Necessary**

Upon the receipt of an application for a Licence, or the renewal Licence, the City Clerk shall make or cause to be made all investigations deemed necessary relative to the application.

### **3.3 Clerk to Maintain Records**

The City Clerk shall maintain complete records showing all applications and Licenses issued.

### **3.4 Revocation of Licence**

The City Clerk may revoke a Licence where the Owner or Licensee has been convicted of any offence under this by-law.

### 3.5 **Revocation of Licence – Hearing**

If the City Clerk refuses to grant or renew a Licence or revokes a Licence, the applicant or Licensee shall have the right to a hearing by Council which, after due consideration of the application and hearing such representations as the applicant may care to make, may direct the issuance or renewal of the Licence, refuse the application or revoke the licence.

### 3.6 **Application of Statutory Powers Procedure Act**

The hearing held under this by-law shall be held in accordance with the provisions of the **Statutory Powers Procedure Act**, R.S.O. 1990, c. S.22.

### 3.7 **Decision of Council Final**

Upon conclusion of a hearing, Council shall, as soon as practicable, dispose of the matter which was the subject of the hearing by doing any act or making any decision and such decision shall be final.

## 4.0 **All Licensed Rental Premises**

### 4.1 **Requirements for Written Application**

Every application for a Business Licence to operate a Licensed Rental Premises shall be in writing and submitted to the Clerk and shall set forth, as required by the type of Licensed Rental Premises, the following:

For every Licensed Rental Premises:

- a. The name, address, email address and telephone number of the Owner and applicant;
- b. If the applicant is a registered partnership or a sole proprietorship, a copy of a current Business Name Search and the names, addresses and telephone numbers of persons associated with the partnership;
- c. If the applicant is a corporation, a copy of the current Certificate of Status and a Corporate Profile report which indicate the location of the corporation's head office, the names, addresses and telephone numbers of all directors of the corporation and confirms that the corporation is active;
- d. The name, email address and telephone number of the resident manager, if applicable;
- e. The municipal address of the Licensed Rental Premises;
- f. The number of Tenants;
- g. The number of Bedrooms available for Tenants;
- h. The number of bath tubs or showers, washbasins, water closets, sinks and laundry tubs in the Licensed Rental Premises;
- i. A site plan, drawn to scale, completed to the satisfaction of the Clerk, showing the dimensions of all the buildings on the Lot;
- j. A floor plan, drawn to scale, of the entire Licensed Rental Premises showing the use and dimensions of all rooms. Each Bedroom shall meet the minimum area requirements of the **Building Code** per occupant;
- k. Written confirmation from the City's Building Services Division in the form of a letter or email confirming the property's zoning and that there are no outstanding work orders or building permits;

- l. Written confirmation from the City's Building Services Division in the form of a letter or email confirming that there are no outstanding orders under the City's Property Standards by-law;
- m. Such other information as from time to time may be required by the City Clerk or by an Authorized Official; and
- n. A signed and completed Annual Self-Attestation Form;

**Additional Application Requirements for Large Lodging Houses and Small Lodging Houses**

- o. A site plan, drawn to scale, completed to the satisfaction of the Clerk, showing the dimensions of all the motor vehicle parking spaces required in accordance with the Comprehensive Zoning By-law, or satisfactory evidence that the parking requirements for the Property enjoy legal non-complying status;
- p. Written confirmation from the Fire Prevention Officer in the form of a letter or email confirming that the Large Lodging House or Small Lodging House meets the minimum requirements of the Fire Code;
- q. Proof, satisfactory to the Fire Prevention Officer, that the furnace in, as the case may be, a Large Lodging House or a Small Lodging House, being a fuel burning appliance, has been inspected within the preceding 12-months;
- r. A zoning clearance letter from the City's Building Services Division stating that the property is zoned to permit, as the case may be, the Large Lodging House or Small Lodging House; and
- s. Proof, satisfactory to the Clerk, that Large Lodging House or the Small Lodging House has passed, as the case may be, its Initial Inspection, Renewal Inspection or Follow-up Inspection.

**4.2 Rooms – Permanently Numbered**

Each Bedroom within a Large Lodging House and a Small Lodging House shall have a number or letter permanently attached to or painted on the entrance door to the Bedroom which:

- a. is at least 50 mm in height;
- b. contrasts with the background upon which is attached or painted; and
- c. is wholly located within the top 300 mm of the door.

**5.0 Specific Offence Provisions**

- 5.1 Every Owner who operates a Small Lodging House or a Large Lodging House without having first obtained a Business Licence from the City Clerk is, upon conviction, guilty of an offence.
- 5.2 Every Owner who operates a Large Rental Dwelling Unit or a Small Rental Dwelling Unit without having first obtained a Business Licence from the City Clerk is, upon conviction, guilty of an offence.
- 5.3 Every Owner who fails to post his/her Business Licence in accordance with the requirements of this by-law is, upon conviction, guilty of an offence.

- 5.4 Every Owner who posts a Business Licence which has expired or which has been revoked is, upon conviction, guilty of an offence.
- 5.5 Every Owner who produces for inspection a Business Licence which has expired or which has been revoked is, upon conviction, guilty of an offence.
- 5.6 Any Owner or Tenant who interferes with an Initial Inspection, a Follow-up Inspection, or a Renewal Inspection, being carried out under this by-law is, upon conviction, guilty of an offence.
- 5.7 Every Owner or Tenant who permits a room within a Licensed Rental Premises to be used as a Bedroom when such room was not depicted as a Bedroom on the floor plan submitted to the City Clerk is, upon conviction, guilty of an offence.
- 5.8 Every Owner or Tenant who permits a room within a Licensed Rental Premises to be used as a Bedroom when such room does not meet the minimum requirements contained within the **Building Code** is, upon conviction, guilty of an offence.
- 5.9 Every Owner who submits to the City Clerk an Annual Self-Attestation Form which contains false information is, upon conviction, guilty of an offence.

## **6.0 Contraventions**

- 6.1 Subject to section 6.5 and unless otherwise specifically provided for in this by-law, any person who contravenes this by-law is guilty of an offence and, upon conviction, is liable to a penalty provided for in the **Provincial Offences Act** or, to payment of a Set Fine, if any.
- 6.2 AMP System By-law 20-073 applies to each administrative penalty issued pursuant to this By-law.
- 6.3 Subject to section 6.4, each person who or that contravenes this By-law is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
  - a) \$175 for the remainder of the first day on which the contravention occurs; and
  - b) \$275 for each subsequent day on which the contravention continues.
- 6.4 Each person who or that contravenes this By-law by undertaking an activity without a required Licence is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
  - a) \$500 for the remainder of the first day on which the contravention occurs; and
  - b) \$750 for each subsequent day on which the contravention continues.
- 6.5 A person is not guilty of an offence for which a penalty notice has been issued pursuant to sections 6.3 or 6.4.

## **7.0 Amendments to By-law 14-080 – Business Licensing By-law**

- 7.1 By-law 14-080 is hereby amended by deleting:
  - a. from Article 1 the following definitions: “Bedroom”; “Boarding, Lodging or Rooming House”; “Dwelling Unit”; “Lodger”; and “Rent”.
  - b. from Article 2.1 sub-section “f” and renumbering the remaining sub-articles therein;



- c. Article 6, "Boarding, Lodging or Rooming House", in its entirety;
- d. in Schedule "A", the reference to "Boarding, Lodging or Rooming House" and the fee applicable thereto.

## **8.0 Non-Application of this By-law**

- 8.1 This by-law does not apply to any Dwelling Unit containing fewer than 4 Bedrooms.
- 8.2 This by-law does not apply to any of a: Bed and Breakfast Establishment, Emergency Shelter, Group Home, Hospice or Hotel, or a Multi-suite Residence.

## **9.0 Implementation Provisions**

- 9.1 Notwithstanding Article 2.4(a) above and the second column of Schedule A, upon the passage of this By-law, an Owner may obtain an initial Business Licence at no cost that will expire on 30 September 2018 for each Licensed Rental Premises.
- 9.2 During the period of a licence issued under Article 9.1 above the Authorized Officials will perform an Initial inspection of each Licensed Rental Premises at no cost to the Owner.
- 9.3 Notwithstanding Article 9.2 above, if a Licensed Rental Premises requires a Follow-up Inspection, the Owner will be required to pay the Follow-up Inspection Fee.
- 9.4 As of 1 October 2018, every Owner of a Licensed Rental Premises will be required to pay the applicable Fee(s) under this By-law to obtain a Business Licence.

## **10.0 Interpretation**

- 10.1 References to the Property Standards By-law is to Chapter 611 of the Peterborough Municipal Code.
- 10.2 References to the Property Maintenance By-law is to City By-law 96-41.
- 10.3 Any reference to any By-law, Act or regulation, including the **Building Code**, the **Fire Code** and the **Electrical Code**, includes any amendments thereto and any replacement legislation thereto.
- 10.4 Certain words have be capitalized for convenience and whether a defined term or phrase appears in the body of this by-law as a capitalized term or in lower case lettering, the term or phrase shall have the meaning given to it in Article 1.

## **11.0 Enforcement**

- 11.1 This by-law may be enforced by any Authorized Official.
- 11.2 Under Sections 441 and 441.1 of the Act, the City's treasurer may add any part of an unpaid fine to the tax roll for any property in the City which the Owner or person is responsible for paying and collect it in the same manner as municipal taxes.

## **12.0 Short Title**

- 12.1 This by-law may be referred to as the Licensed Rental Premises By-law.

## **13.0 Coming in Effect**

- 13.1 This by-law comes into effect on the date it receives third reading.

By-law read a first, second and third time this 26<sup>th</sup> day of June 2017.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) John Kennedy, City Clerk

**Schedule A – Fees – See current User Fee Guide for rates**

<b>Type of Licensed Rental Premises</b>	<b>Licence/Initial Inspection Fee</b>	<b>Renewal Fee</b>	<b>Follow-up Inspection Fee*</b>
Small Rental Dwelling Unit	\$82**	\$56	Not applicable
Large Rental Dwelling Unit	\$82	\$56	Not applicable***
Small Lodging House	\$280	\$190	\$270*
Large Lodging House	\$460	\$230	\$435*

\*payable if a Licensed Rental Premises fails to pass, as the case may be, the Initial Inspection or a prior Follow-up Inspection

\*\*No inspection required to obtain Business Licence.

\*\*\*Provided the Large Rental Dwelling Unit functions as a single house-keeping unit.

**Schedule B – Set Fines – See current User Fee Guide for rates**

<b>Violation</b>	<b>Offence Provision</b>	<b>Set Fine</b>
Did fail to have a number or letter permanently attached to or painted on the entrance door to a Bedroom.	Article 4.2	\$75.00/Bedroom
Did operate a Lodging House without a Business License.	Article 5.1	\$750.00
Did operate a Rental Dwelling Unit without Business License.	Article 5.2	\$750.00
Did fail to post the Business Licence in accordance with the requirements of By-law 17-058.	Article 5.3	\$75.00
Did post a Business License which has expired or which has been revoked.	Article 5.4	\$250.00
Did produce for inspection a Business License which had expired or which had been revoked.	Article 5.5	\$250.00
Did interfere with an inspection of a Lodging House.	Article 5.6	\$500.00
Did permit a room not depicted as a Bedroom on the floor plan submitted to the City Clerk, to be used as a Bedroom.	Article 5.7	\$500.00
Did permit a room to be used as a Bedroom when such Bedroom did not meet the minimum requirements contained within the <b>Building Code</b> .	Article 5.8	\$500.00
Did submit an Annual Self-Attestation Form containing false information.	Article 5.9	\$500.00