



MISSISSAUGA

THE CORPORATION OF THE CITY OF MISSISSAUGA

Short Term Rental Accommodation Licensing By-Law 0289-2020

(Amended by By-law 0251-2021)

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "*Municipal Act, 2001*"), states that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on 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 of the *Municipal Act, 2001*, provides a lower-tier municipality with broad authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and respecting the protection of persons and property including consumer protection;

AND WHEREAS section 151 of the *Municipal Act, 2001*, provides that without limiting sections 9, 10 and 11 of the Act, a municipality may provide for a system of licences with respect to a business;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS without limiting section 11, section 434.1 of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

AND WHEREAS section 436 of the *Municipal Act, 2001*, provides that a municipality may pass a by-law providing that the municipality may enter on lands at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality has been complied with;

AND WHEREAS section 444 of the *Municipal Act, 2001*, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS on November 11, 2020, the Council for The Corporation of the City of Mississauga passed General Committee Recommendation 0283-2020 to enact a licensing by-law to license the operators of short term rental accommodations in the City of Mississauga;

NOW THEREFORE the Council of The Corporation of the City of Mississauga hereby **ENACTS:**

PART 1 - DEFINITIONS

1. For the purpose of this By-law:

"Administrative Penalty" means a monetary penalty as set out in the City's Licensing Administrative Penalty By-law 0135-2014 (or successor) for a contravention of a designated by-law;

"Appeal Tribunal" means the Mississauga Appeal Tribunal (or successor tribunal) appointed by Council to conduct appeal hearings pursuant to the City's Licensing By-laws;

“Applicant” means a person applying for a new Licence or the renewal of a Licence under this By-law;

“City” means the municipal boundaries for the City of Mississauga or the Corporation of the City of Mississauga (depending on the context);

“Clerk” means the Clerk of the City of Mississauga or their designate;

“Council” means the council of the City;

“Criminal Record Check” means a criminal record check issued by a Canadian police service as approved by the Licence Manager;

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

“Licence” means the licence issued by the Licence Manager as proof of licensing under this By-law;

“Licensee” means a person licensed under this By-law to operate, advertise, broker or otherwise carry on the business of a Short Term Rental Accommodation;

“Licence Manager” means the Manager of Compliance & Licensing Enforcement for the City's Enforcement Division and includes their designate;

“Licensing Administrative Penalty By-law” means the City's Licensing Administrative Penalty By-law 0135-2014, as amended (or its successor), being a by-law to establish a system of administrative penalties respecting those who have failed to comply with any part of a system of business licences established by the City;

“Multiple Offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law;

“Officer” means a by-law enforcement officer employed by the City and/or appointed by Council to perform the duties of enforcing City by-laws, and also includes a police officer employed by the Peel Regional Police or the Ontario Provincial Police;

“Penalty Notice” means a penalty notice given to a Person pursuant to the Licensing Administrative Penalty By-law;

“Person” includes an individual, a corporation and its directors and officers, or partnership and their heirs, executors, assignees and administrators;

“Principal Residence” means a Dwelling owned or rented by an individual person, either alone or jointly with others, where the individual person is ordinarily resident; and

“Short Term Rental Accommodation” means a temporary accommodation in all or part of a Dwelling that is provided for 30 consecutive days or less in exchange for payment or service.

PART 2 – ADMINISTRATION AND ENFORCEMENT

2. The administration and enforcement of this By-law is assigned to the Licence Manager who shall perform all of the functions conferred upon them by this By-law.
3. The Licence Manager may delegate any responsibilities, to an employee of the City, conferred to the Licence Manager under this By-law.

PART 3 - LICENCE REQUIRED

4. 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 Rental Accommodation in the City unless the Person is licensed under this By-law.
5. For greater clarity, the following are not considered a Short Term Rental Accommodation:

- (1) a hotel or motel or other Overnight Accommodation as defined in the City's Zoning By-law 225-2007 (or successor); and
- (2) accommodations rented out to tenants in accordance with the *Residential Tenancies Act, 2006, S.O. 2006, c.17.*

PART 4 – SUBMITTING AN APPLICATION

6. An application for a new Licence or a renewal Licence shall be made to the Licence Manager using the forms provided by the Licence Manager and accompanied by the requirements prescribed by Schedule "A" of this By-law and any other information that the Licensing Manager may request from time to time.
7. No Person shall be entitled to apply for a Licence or to renew a Licence if in the year prior to the application, the Person applied for and was refused a Licence or had their Licence revoked by the Licence Manager.

PART 5 – REVIEWING AND PROCESSING APPLICATIONS

8. The Licence Manager shall receive, process and review all applications for all new Licences and renewals of Licences under this By-law.
9. The Licence Manager shall maintain complete records showing all applications received and Licences issued.
10. The Licence Manager shall have the power and authority to:
 - (1) issue a new Licence;
 - (2) renew a Licence;
 - (3) deny the issuance or renewal of a Licence;
 - (4) revoke a Licence;
 - (5) suspend a Licence; and
 - (6) impose terms or conditions on a Licence.

PART 6 – ISSUING LICENCES

11. When an application for a new Licence or renewal of a Licence is made in accordance with Part 4 of this By-law and the Applicant meets all the requirements of this By-law, the Licence Manager shall issue a Licence along with a unique business licence number.
12. A Licence issued according to this By-law shall be valid for one year from the date of issue.
13. The Licence Manager shall issue only one Licence per person, as persons are permitted only one Principal Residence pursuant to this By-law.
14. Every Licence is owned by and is the property of the City and is valid only in respect of the person who was issued the Licence.

PART 7 - CONDITIONS ON A LICENCE AND ADDITIONAL FEES

15. Notwithstanding any other provisions of this By-law, the Licence Manager may impose terms and conditions on any Licence at the time of issuance, renewal or any other time during the Licence period, including but not limited to, any conditions that are necessary to give effect to this By-law.

16. Despite subsection 18(6) of this By-law, the Licence Manager may issue a conditional Licence or place conditions on a Licence, if the Applicant or Licensee produces documentation proving that an application to the Parole Board of Canada for a record suspension in accordance with the *Criminal Records Act* has been made, to the satisfaction of the Licence Manager. For greater clarity, this provision is not applicable related to the prescribed convictions set out in Schedule "C" of this By-law.
17. (1) Notwithstanding any other provisions of this By-law, the Licence Manager may impose additional fees on a Licensee, by way of a notice of additional fees at any time during the term of a Licence for costs incurred by the City attributable to the activities of the Licensee.
- (2) The Licence Manager shall provide the Licensee with sixty (60) days to pay the outstanding amount from the date of such notice.

PART 8 - GROUNDS FOR REFUSAL

18. A Licence Manager may refuse to issue/renew, revoke, or suspend a Licence where there are reasonable grounds to believe that:
 - (1) the Applicant or Licensee is under 18 years of age or is a corporate entity, including but not limited to, a partnership or corporation;
 - (2) an application or other document provided to the Licence Manager by or on behalf of the Applicant contains a false statement or false information;
 - (3) the Applicant or Licensee has failed to pay any fine imposed by a court as a sentence arising from convictions for breach of, a by-law enacted by the City or other law;
 - (4) any additional fee imposed on a Licensee as set out in section 17 remain unpaid after the due date as indicated in the notice of additional fees sent to the Licensee;
 - (5) the Applicant or Licensee does not comply with any of the requirements of:
 - a. this By-law or any other City by-law;
 - b. any applicable condominium laws including declarations and by-laws; or
 - c. any other federal or provincial laws or municipal by-laws;
 - (6) the Applicant or Licensee has received a criminal conviction within five years of the date of the application or has received a criminal conviction for any of the offences listed in Schedule "C" of this By-law;
 - (7) the Short Term Rental Accommodation negatively impacts the health, safety and well-being of the community, including but not limited to, negative impacts to neighbouring properties;
 - (8) the financial position of the Applicant or Licensee affords reasonable grounds to believe that the Applicant or Licensee would not operate the Short Term Rental Accommodation in a financially responsible manner;
 - (9) the past or present conduct of the Applicant or Licensee, affords reasonable grounds for the belief that the Applicant or Licensee will not carry on the activity for which they are to be licensed or to continue to be licensed in accordance with any applicable law or with integrity and honesty;
 - (10) the conduct of the Applicant or Licensee afford reasonable grounds to believe that the carrying on of the Short Term Rental Accommodation by the applicant has violated, or may have violated, the rights of other members of the public (including but not limited to human rights laws);
 - (11) the Licensee has lost the prescribed number of demerit points within a calendar year; or

- (12) the Applicant or Licensee has failed to pay an Administrative Penalty imposed by the City arising from a contravention of this By-law.
19. To assist with making a decision pursuant to section 18, the Licence Manager may:
- (1) develop a demerit point system for Licensees; and
 - (2) request that an inspection of the land of the Applicant or Licensee be conducted first, which may include a Dwelling, if the consent of the Applicant or Licensee is obtained, the Applicant or Licensee first having been informed that the right of entry may be refused.

PART 9 - DECISION OF THE LICENCE MANAGER AND APPEAL TO TRIBUNAL

20. After a decision is made by the Licence Manager to refuse to issue/renew, revoke, or suspend a Licence, written notice of that decision shall be given to the Applicant or Licensee advising the Applicant or Licensee of the Licence Manager's decision with respect to the application or Licence.
21. The written notice to be given under section 20 shall:
- (1) set out the grounds for the decision;
 - (2) give reasonable particulars of the grounds;
 - (3) be signed by the Licence Manager; and
 - (4) state that the Applicant or Licensee is entitled to a hearing by the Appeal Tribunal if the Applicant or Licensee sends a request for a hearing to the Clerk, within seven (7) days after the notice is delivered.
22. Notwithstanding any other provision in this By-law, if the Licence Manager is satisfied that the continuation of a Short Term Rental Accommodation poses an immediate danger to the health or safety of any person or to any property, the Licence Manager may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a Licence subject to the following:
- (1) before suspending the Licence, the Licence Manager shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
 - (2) the suspension shall not exceed 14 days.
23. Where an appeal is not requested in accordance with the time period set out in section 21, the decision of the Licence Manager is final.

PART 10 – INSPECTIONS AND ORDERS

24. An Officer may at any reasonable time, enter upon and inspect the land of any Person to ensure that the provisions of this By-law are complied with, which may include a Dwelling if the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused.
25. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
- (1) require the production for inspection of documents or things relevant to the inspection;
 - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- (3) require information from any person concerning a matter related to the inspection; and
 - (4) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
26. An Officer shall provide a receipt for any document or thing removed under subsection 25(2) and the document or thing shall be promptly returned after the copies or extracts are made.
27. No Person shall prevent, hinder, or obstruct, or attempt to prevent, hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.
28. An Officer may:
- (1) issue a Penalty Notice; and/or
 - (2) make an order requiring the Person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention.
29. An order made pursuant to subsection 28(2) shall include:
- (1) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - (2) the date by which there must be compliance with the order, and/or the work to be done and the date by which the work must be done; and
 - (3) direct that if the thing or matter that is required to be done is not completed by the time set out in subsection 29(2), the matter or thing will be done by the City at the Person's expense and the City may recover the costs of doing the matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
30. Every Person shall comply with an order made pursuant to subsection 28(2).

PART 11 - NOTICE

31. Any notice or order required to be given or served under this By-law is sufficiently given or served, if delivered personally or sent by registered mail, addressed to the Person to whom delivery or service is required to be made at the last address for service appearing on the records of the Licence Manager.
32. Notwithstanding section 31, the notice provisions in the Licensing Administrative Penalty By-law 135-2014 (or successor) shall be applicable for Penalty Notices issued pursuant to this By-law.

PART 12 – PENALTY AND OFFENCES

33. Every Person who contravenes any provision of this By-law, when given a Penalty Notice, is liable to pay to the City an Administrative Penalty in the amount specified in the City's Licensing Administrative Penalty By-law, and shall follow the procedures for payment or review/appeal as outlined in the City's Licensing Administrative Penalty By-law. If a Person is required to pay an Administrative Penalty, the Person shall not be charged with an offence in respect of the same contravention.

34. Notwithstanding section 33, every Person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, as both may be amended from time to time.
35. An offence under this By-law may be designated a continuing offence or a Multiple Offence.
36. In addition to sections 33, 34 and 35, any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, to the following fines:
 - (a) a minimum fine not exceeding \$500 and a maximum fine not exceeding \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine not exceeding \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a Multiple Offence, for each offence included in the Multiple Offence, a minimum fine not exceeding \$500, and a maximum fine not exceeding \$10,000, and the total of all fines for each included offence is not limited to \$100,000.

PART 13 - MISCELLANEOUS

37. Any section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.
38. All schedules attached to this By-law shall form part of this By-law.
39. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

PART 14 - EFFECTIVE DATE AND SHORT TITLE

40. This by-law shall come into force and effect at 12:01 a.m. on January 13, 2021.
41. This By-law may be referred to as the Short Term Rental Accommodation Licensing By-law.

ENACTED AND PASSED this 9th day of December, 2020.

Signed by: Bonnie Crombie, Mayor and Diana Rusnov, City Clerk.

SCHEDULE "A"

APPLICATION REQUIREMENTS – NEW LICENCES AND RENEWALS

(Amended by By-law 0251-2021)

GENERAL REQUIREMENTS

1. A Person wishing to operate, carry on the business of, or permit the operation or carrying on the business of a Short Term Rental Accommodation in the City shall apply for a new Licence or a renewal Licence by providing the Licence Manager with the following:
 - (1) a completed application in the form required by the Licence Manager;
 - (2) the name, telephone, and email address for the Applicant along with the address of the proposed Short Term Rental Accommodation;
 - (3) government issued identification or other documentation satisfactory to the Licence Manager along with a signed declaration to demonstrate that the Short Term Rental Accommodation is the Applicant's Principal Residence;
 - (4) payment of a licence fee as set out in the applicable City User Fees and Charges By-law; (0251-2021)
 - (5) a Criminal Record Check issued within the last sixty (60) days from the date that the application is made;
 - (6) if the Applicant is:
 - a. the property owner, proof of ownership of the property satisfactory to the Licence Manager;
 - b. the property owner of a condominium unit, proof satisfactory to the Licence Manager that Short Term Rental Accommodations are permitted in the condominium; and/or
 - c. a tenant, signed authorization from the owner or landlord to permit the operation of a Short Term Rental Accommodation;
 - (7) proof to the satisfaction of the Licence Manager that the Short Term Rental Accommodation complies with applicable law, including but not limited to, the Ontario Building Code, the Ontario Fire Code, the City's *Property Standards By-law 654-98* and the City's Zoning By-law;
 - (8) an insurance certificate demonstrating commercial general liability business insurance for the operations of the Short Term Rental 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 \$2,000,000. The City must be included as an additional insured under this policy but only with respect to the operations of the Short Term Rental Accommodation;
 - (9) 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 Rental Accommodation, which shall be in a form satisfactory to the Licence Manager; and
 - (10) any other information or documents required by the Licence Manager.

LICENCE RENEWALS

2. For greater clarity, a person wishing to renew a Licence shall comply with the application requirements in this Schedule "A".

SCHEDULE "B"

REQUIREMENTS AND PROHIBITIONS

GENERAL REQUIREMENTS

1. Every Licensee shall:
 - (1) include the valid business licence number in a conspicuous place in any medium or material used to market, advertise or broker a Short Term Rental Accommodation;
 - (2) operate, advertise, broker or otherwise carry on the business of a Short Term Rental Accommodation in compliance with applicable laws, including but not limited to the *Ontario Building Code*, the *Ontario Fire Code*, the *City's Property Standards By-law 654-98* (or successor) and the *City's Zoning By-law 225-2007* (or successor);
 - (3) provide an emergency contact name and number to all guests;
 - (4) post an evacuation plan by all entrances and exits to a Short Term Rental Accommodation; and
 - (5) issue an invoice, contract, receipt or similar document to all guests that includes the City's business licence number
2. When a Licensee changes their address or any information relating to the Licence, they shall notify the Licence Manager within five (5) days of the change of address or any other information relating to their Licence and shall return the Licence immediately to the Licence Manager for review.
3. Every Person shall take down or remove a listing or other advertisement for a Short Term Rental Accommodation that is not in compliance with this By-law within 24 hours of being requested to do so by the Licence Manager.

RECORDS RETENTION

4. Every Licensee shall maintain a record of each concluded transaction related to their Short Term Rental Accommodation for at least three years following the date of the transaction. A transaction is concluded on the last day of the rental period. The records retained shall include the following:
 - (1) the number of nights the Short Term Rental Accommodation was rented in a calendar year;
 - (2) the nightly and total price charged for each rental including the municipal accommodation tax charged on the transaction;
 - (3) whether the rental was an entire-unit rental or partial-unit rental; and
 - (4) any other information required by the Licence Manager.
5. Every Licensee shall provide the information referred to in section 4 of this Schedule "B" to the Licence Manager within thirty (30) days of being requested to do so by the Licence Manager.

GENERAL PROHIBITIONS

6. No Person shall:
 - (1) operate, advertise, broker, carry on the business of or permit the operation, advertising, brokering or carrying on the business of a Short Term Rental Accommodation unless the property is the Principal Residence of that Person;

- (2) operate, advertise, broker, carry on the business of or permit the operation, advertising, brokering or carrying on the business of a Short Term Rental Accommodation located within an Accessory Building as defined in the City's Zoning By-law 225-2007 (or successor); or
- (3) represent to the public that the Person is licensed under this By-law if the Person is not so licensed.

7. No Licensee shall:

- (1) rent out a Short Term Rental Accommodation for more than 180 days in a calendar year;
- (2) book or reserve separate guests in a Short Term Rental Accommodation for the same days, whereby two (2) or more unrelated or unassociated persons are accommodated in the same Dwelling at the same time;
- (3) contravene or fail to comply with a term or condition of their Licence imposed under this By-law;
- (4) operate or advertise a Short Term Rental Accommodation while their Licence issued under this By-law is under suspension;
- (5) advertise, broker or otherwise carry on the business of more than one Short Term Rental Accommodation at the same time; or
- (6) transfer a Licence to another Person.

SCHEDULE "C"

CRIMINAL OFFENCES

<u>Criminal Code Offences</u>	<u>Description</u>
Explosives	Using explosives; possession.
Terrorism	Providing or collecting property for certain activities; providing or making available property or services for terrorist purposes; using or possessing property for terrorist purposes; participation in activity of terrorist group; facilitating terrorist activity; instructing to carry out activity for terrorist group; instructing to carry out terrorist activity.
Firearms and weapons	Using firearms (including imitation) in commission of offence; careless use of firearm; pointing a firearm; possession of weapon for dangerous purposes; carrying weapon while attending public meeting; carrying concealed weapon; unauthorized possession of firearm; possession of firearm knowing its possession is unauthorized; possession at unauthorized place; unauthorized possession in motor vehicle; possession of prohibited or restricted firearm with ammunition; possession of weapon obtained by commission of offence; breaking and entering to steal firearm; robbery to steal firearm; weapons trafficking; possession for purpose of weapons trafficking; transfer without authority; making automatic firearm; discharging firearm with intent; causing bodily harm with intent — air gun or pistol.
Sexual offences against Minors	Sexual interference; invitation to sexual touching; sexual exploitation; sexual exploitation of person with disability; incest; making child pornography; parent or guardian procuring sexual activity; householder permitting sexual activity; corrupting children; luring a child; prostitution of person under eighteen.
Sexual offences against persons other than minors	Sexual exploitation of person with disability; incest; indecent acts; sexual assault.
Criminal Negligence	Causing death by criminal negligence; causing bodily harm by criminal negligence.
Murder	Murder; manslaughter; infanticide; attempt to commit murder; accessory to murder.
Operation of vehicles, vessels, or aircraft	Dangerous operation of motor vehicles, vessels and aircraft; flight; causing death by criminal negligence (street racing); causing bodily harm by criminal negligence (street racing); dangerous operation of motor vehicle while street racing; failure to stop at scene of accident; operation while impaired; operation while disqualified.
Harassment and threats	Criminal harassment; uttering threats; intimidation.
Assault	Assault; assaulting a peace officer.
Confinement	Kidnapping; Trafficking in persons; Hostage taking; Abduction of person under sixteen; Abduction of person under fourteen; Abduction in contravention of custody order; Abduction.
Theft over, forgery and fraud	Theft over; destroying documents of title; fraudulent concealment; theft and forgery of credit card; theft from mail; forgery; uttering forged document; drawing document without authority; fraud; using mails to defraud; arson for fraudulent purpose.
Robbery and extortion	Robbery; extortion.

Breaking and entering	Breaking and entering.
Possession of property obtained by crime	Possession of property obtained by crime; possession of property obtained by excise offences.
Arson	Arson.
Counterfeit money	Making counterfeit money.
Participation in criminal organization	Participation in criminal organization; Commission of offence for criminal organization; instructing commission of offence for criminal organization.
Trafficking	Trafficking in a controlled substance <ul style="list-style-type: none"> - Schedule I or II - Schedule III - Schedule IV
Importing and exporting	Importing and exporting of a controlled substance <ul style="list-style-type: none"> - Schedule I or II - Schedule III - Schedule IV
Production	Production of a controlled substance <ul style="list-style-type: none"> - Schedule I or II (except marihuana) - Schedule III - Schedule IV