



MISSISSAUGA

THE CORPORATION OF THE CITY OF MISSISSAUGA

Residential Rental Accommodation Licensing By-law 0172-2010

(Amended by By-laws 0251-2021, 0051-2023)

WHEREAS Section 11 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a lower-tier municipality may pass by-laws respecting matters including the health, safety and well-being of persons, and the protection of persons and property, including consumer protection;

AND WHEREAS Section 11 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, further provides that a lower-tier municipality may pass by-laws respecting business licensing;

AND WHEREAS Section 151 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that without limiting sections 9, 10, and 11 of the *Act*, a municipality may provide for a system of licenses with respect to a business and may license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS Section 436 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law of the municipality is being complied with;

AND WHEREAS Section 444 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that that municipality may make an order to discontinue an activity found to be in contravention of a by-law of the municipality;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate, and govern Residential Rental Accommodation;

AND WHEREAS a public meeting was held on, April 7, 2010, at which time a report entitled, and relating to the licensing of Residential Rental Accommodation was presented and considered;

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

DEFINITIONS

1. For the purposes of the By-law:

“Additional Fee” means a fee, in addition to the Licence fee, imposed by the municipality on a business at any time during the term of the Licence for costs incurred by the municipality attributable to the activities of the business;

“Agent” means, in respect of an inspection required under this By-law, a person who is authorized by the Licensee to conduct and report inspections on the Licensee’s behalf;

“Appeal Tribunal” Deleted by By-law 0051-2023.

“Applicant” means a Person applying for a new or renewing a Licence under this By-law;

“Certificate of Occupancy” means a certificate duly issued by the City approving the use for which the Licence application has been made on the property where the business is located;

“City” means the City of Mississauga;

“Clerk” means the Clerk of the City of Mississauga or their duly appointed Deputy;

“Corporation” means the Corporation of the City of Mississauga;

“Council” means the Council of the City of Mississauga;

“Fire Chief” means the Chief of the City’s Fire and Emergency Services Division or his designate;

“Individual” means a natural Person and does not include a corporation, partnership or association;

“Licence” means the certificate issued by the Licence Manager under this By-law;

“Licensee” means any Person licensed under this By-law;

“Licence Manager” means the Manager of the Compliance and Licensing Enforcement Unit of the City’s Enforcement Division and includes his or her Designates;

“Licensing Section” means the Compliance and Licensing Enforcement Unit of the Enforcement Division;

“Lodger” means a Person, other than an Owner, who resides in a Lodging House in return for Remuneration;

“Lodging House” means a dwelling unit containing more than three (3) Lodging Units each designed or intended for the lodging of Persons in return for Remuneration. A Lodging House shall only be permitted in a detached dwelling and no Lodging Unit shall be contained in a basement. A maximum of four (4) Lodging Units shall be permitted within a Lodging House and each Lodging Unit shall be occupied by a maximum of one (1) Person. A maximum of 40% of the gross floor area residential of a Lodging House shall contain Lodging Units;

“Lodging Unit” means a room designed or intended to contain accommodation for sleeping. A Lodging Unit may contain sanitary facilities but shall not contain equipment or appliances for storing, cooking, or heating food, and shall not contain equipment or appliances for washing clothes or washing dishes;

“Notice of Additional Fee” means a written notice from the Licence Manager to a Licensee advising them of their requirement to pay an Additional Fee;

“Officer” means a duly appointed Municipal Law Enforcement Officer and includes members of the Peel Regional Police;

“Owner” means a Person who alone or with others, owns and/or has ultimate control over, and/or directs the operation of the business;

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

“Premises” includes lands, and any fences, buildings, sheds or similar structures situated thereon;

“Remuneration” includes any one or more of the following: the payment of rent,

fees, other valuable consideration or the provision of services.

LICENSING REQUIRED

2. (1) No Person shall own or operate a Lodging House unless the Person is licensed under this By-law.
- (2) A Person shall carry on business only in the name in which the business is licensed.
- (3) No Person shall publish or cause to be published any representation that the Person is licensed under this By-law if the Person is not so licensed.

APPLICATION FOR A LICENCE AND FOR RENEWAL OF A LICENCE

3. (1) An application for an Owner's Licence and an application for the renewal of an Owner's Licence shall be completed on the forms provided by the Licensing Section.
- (2) Each executed application shall be submitted to the Licensing Section by the Owner and be accompanied by:
 - (a) the fee in the appropriate amount as set out in the applicable City User Fees and Charges By-law; (0251-2021)
 - (b) a Certificate of Occupancy indicating that the use for which the application has been made is approved under the Zoning By-law as an approved use of the Premises;
 - (c) if the Owner is a corporation, a copy of the Articles of Incorporation or, if a registered partnership, a copy of the registered declaration of partnership and a copy of the business name registration; and
 - (d) proof of ownership for the Premises.
- (3) Notwithstanding paragraph 3(2)(b), where an application is made for the renewal of a Licence and where a Certificate of Occupancy has been received, approving the use of the property for that which the renewal application has been made, no new Certificate of Occupancy is required.
- (4) Notwithstanding paragraph 3(2)(b), where an application is made for a new or the renewal of a Licence and where a Certificate of Occupancy has been issued based upon the use being approved by a Committee of Adjustment Decision, the Certificate of Occupancy is subject to all conditions and restrictions imposed by the Committee of Adjustment on the use, including the term that the use is permitted, and upon expiry of the term, as permitted by the Committee of Adjustment, the Certificate of Occupancy shall no longer be valid.
- (5) Notwithstanding paragraph 3(2)(b), where an application is made for a new or the renewal of a Licence and where it has been proven through the supply of documented evidence that the Lodging House is Legal Non-Complying under the City's Zoning By-law, no Certificate of Occupancy will be required.
- (6) Notwithstanding paragraph 3(2)(c), where a corporation applies for a renewal of a Licence and there has been no change in the officers or directors of the corporation, no new copy of the incorporating document or, if a registered partnership, is required to be submitted by the Owner with the Owner's executed application.
- (7) No refund of a fee paid as part of an application under this Section shall be granted if the application is refused.

- (8) An Owner must obtain a separate Licence for each of the Premises at which the Owner carries on business.
- (9) No individual shall be licensed under this By-law unless the individual is eighteen (18) years of age or over.

INSPECTIONS

4. (1) On receipt of an application for a Licence or for renewal of a Licence, the Licence Manager or Officer may at any reasonable time enter upon the Premises to be Licenced to make an inspection to ensure that all the provisions of this By-law have been satisfied
- (2) The Licence Manager or Officer may at any reasonable time enter upon a property and into buildings without a warrant to inspect a property or building for compliance with the provisions of this By-law.
- (3) Except under the authority of a warrant, neither the Licence Manager nor Officer shall enter any room or place actually used as a Lodging Unit without requesting and obtaining the consent of the Lodger.

ISSUE OF LICENCE OR RENEWAL OF LICENCE

5. When an application for a Licence or renewal of a Licence is made in accordance with the provisions of this By-law and the Applicant or Licensee meets all the requirements of this By-law, the Licence Manager shall issue a Licence.

LICENCE ON TERMS AND CONDITIONS

6. (1) Notwithstanding any other provisions of this By-law, the Licence Manager may impose terms and conditions on any Licence at issuance, renewal or any time during the Licence period, including special conditions, as are necessary to give effect to this By-law.
- (2) 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 Fee at any time during the term of the Licence for costs incurred by the municipality attributable to the activities of the Licensee.
- (3) The Notice of Additional Fee shall be sent to the Licensee by Registered Mail and shall provide the Licensee with sixty (60) days to pay the outstanding amount from the date of such Notice.

GROUND FOR REFUSAL TO LICENCE OR RENEW OR FOR SUSPENSION OR REVOCATION

7. An Applicant or Licensee whose application meets all the requirements of this By-law and its Schedules is entitled to a Licence or the renewal of a Licence except where:
 - (1) There are reasonable grounds to believe that any application or other document provided to the Licensing Section by or on behalf of the Applicant or Licensee contains a false statement or provides false information; or
 - (2) The past or present conduct of the Applicant, or Licensee, or of any partner, in the case of an Applicant or Licensee which is a partnership, or of any director or officer of the corporation, if the Applicant is a corporation, 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 and with integrity and honesty; or

- (3) The financial position of the Applicant or Licensee affords reasonable grounds to believe that the activity for which they are to be licensed or continue to be licensed in accordance with law will not be carried on in a financially responsible manner; or
- (4) The issuance of the Licence or the renewal of the Licence would be contrary to the public interest; or
- (5) The Applicant or Licensee has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a by-law enacted by the City; or
- (6) There are reasonable grounds to believe that the Applicant or Licensee does not meet all the requirements of this By-law or any other City By-law; or
- (7) The fee payable in respect of the Licence applied for has not been paid; or
- (8) Any Additional Fee imposed on a Licensee remains unpaid after the due date as indicated in the Notice of Additional Fee sent to the Licensee; or
- (9) The Applicant or Licensee fails or refuses to comply with any requirement set out in the By-law to obtain or maintain or renew a Licence issued under this By-law.

THE LICENCE MANAGER'S POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

- 8. (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Licence Manager and his or her delegates.
- (2) Where the Licence Manager is of the opinion that:
 - (a) an application for a Licence or renewal of a Licence should be refused,
 - (b) a reinstatement should not be made,
 - (c) a Licence should be revoked,
 - (d) a Licence should be suspended, or
 - (e) a term or condition of a Licence should be imposed,
 he or she shall make that decision.
- 9. (1) After a decision is made by the Licence Manager, written notice of that 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.
- (2) The written notice to be given under subsection (1), shall:
 - (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licence Manager; and
 - (d) indicate the final date for giving notice of appeal from the decision. (0251-2021, 0051-2023)

- (3) Deleted by By-law 0051-2023.

APPEAL (0051-2023)

10. (1) An Applicant or Licensee who has been served with notice of a decision under subsection 9(1) may appeal to the Mississauga Appeals and Property Standards Committee by sending a notice of appeal to the Committee Coordinator within 7 days after being served with notice of the decision and paying the appeal fee as set out in the User Fees and Charges By-law 0244-2022. (0051-2023)
- (2) A decision that is not appealed within the time referred to in subsection (1) shall be final. (0051-2023)
- (3) An appeal under subsection (1) shall be commenced by a notice of appeal in such form as is required by the rules of the Mississauga Appeals and Property Standards Committee or if no such rule applies, in a written form setting out the reasons for the appeal. (0051-2023)
- (4) Deleted by By-law 0051-2023.
11. Deleted by By-law 0051-2023.

RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

12. (1) When a Licence has been revoked, deemed unrenovable, cancelled or suspended, the holder of the Licence shall return the Licence to the Licensing Section within twenty four (24) hours of service of written notice of the decision of the Licence Manager or, where an appeal has been filed, the decision on appeal, and the Licence Manager may enter upon the Premises of the Licensee for the purpose of receiving, taking, or removing the said Licence. (0051-2023)
- (2) When a Person has had his or her Licence revoked or suspended under this By-law, he or she shall not refuse to deliver up or in any way obstruct or prevent the Licence Manager from obtaining the Licence in accordance with subsection (1).

CANCELLATION OF A LICENCE

13. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.

LICENCE TRANSFERABLE

14. A Licence issued under this By-law is not transferable.

RIGHT OF INSPECTION OF LICENSED PREMISES

15. (1) The Officer may at any reasonable time, enter upon and inspect the Licenced Premises of any Licensee to ensure that the provisions of this By-law are complied with.
- (2) Upon an inspection, every Person shall produce all relevant Licences and permits, invoices, vouchers or like documents and all documents required to be kept and maintained under this By-law which may be removed for the purpose of photocopying and returned to the Licensee within seventy two (72) hours of removal.
16. No Person shall obstruct the Person inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by the Person inspecting for the purpose of the inspection.

DISPLAY OF LICENCE

17. (1) Every Licensee shall prominently display the Licence on the exterior of the Licensed Premises directly adjacent to the main entrance, or in such a location as approved by the Licence Manager, and it shall be covered in such a fashion to protect it from the elements but ensure it is clearly legible.

NOTIFICATION OF CHANGE OF INFORMATION

18. (1) A Licensee shall carry on business in the City in the name which is set out on the Licence and shall not carry on business in the City in any other name.
- (2) When a Licensee changes his name or address or any information relating to his Licence, he or she shall notify the Licensing Section within thirty-two (32) hours of the change of address or any other information relating to his or her Licence and shall return the Licence immediately to the Licensing Section for amendment.
- (3) When the Licensee is a corporation, and there is any change in the following information given on the application, namely: the names and addresses of officers and directors, the location of the corporate head office, and/or change of ownership of shares, the Licensee shall report the change to the Licensing Section within seven (7) days of the change, and if necessary, the Licence shall be returned immediately to the Licensing Section for amendment.
- (4) When the Licensee is a corporation, where there is a change in fifty percent (50%) or more of the directors of the corporation, it shall be deemed as a new corporation and a new Licence will be required.
- (5) A Licensee shall not alter, erase or modify or permit such alteration, erasure or modifications of their Licence or part thereof unless approved by the Licensing Manager.

ORDER TO COMPLY

19. Where a Licensee contravenes any provision of this By-law or its Schedules, the Officer may:
 - (1) Serve a written notice on the Licensee, advising of the contravention and directing compliance: or
 - (2) Direct in a written order that a thing or matter is required to be done, and in default of such thing or matter being done, the thing or matter may be done at the Licensee's expense by the City and the City will recover the expense by action or in like manner as municipal taxes

NOTICE

20. (1) 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 Licensing Section.
- (2) When service is made by registered mail, the service shall be deemed to be effected on the seventh (7th) day after the date of mailing, unless the Person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness, or other cause beyond his control, receive the notice or order until a later date.

PENALTY

21. (1) Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who 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.
- (2) In addition to subsection (1), any Person who is charged with an offence under this By-law in accordance with Part III of the *Provincial Offences Act* and is found guilty of the offence, is liable, in addition to any other penalties:
- (i) If a person, to a fine of not more than \$25,000; or
 - (ii) If a corporation, to a fine of not more than \$50,000.

SEVERABILITY

22. 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.

SCHEDULES

23. All schedules attached to this By-law shall form part of this By-law.

INTERPRETATION

24. 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.

SHORT TITLE

25. This By-law may be referred to as the Residential Rental Accommodation Licensing By-law.

ENACTED AND PASSED this 9TH day of June, 2010.

Signed by Hazel McCallion, Mayor and Crystal Greer, City Clerk

**SCHEDULE 1 TO BY-LAW
RELATING TO FEES**

(Amended by By-law 0251-2021)

This Schedule has been deleted by By-law 0251-2021.

**SCHEDULE 2
LICENCE EXPIRY DATES**

1. (1) The Licences issued pursuant to the following Schedules of this By-law: Schedule 3 Owners of Lodging House shall expire according to the name of the street on which the business premises are located and the Licence expiry dates shall be divided as follows:
 - (a) where the first letter of the street name begins with the letter A through and including D, the Licence expiry date shall be March 31, of each year;
 - (b) where the first letter of the street name begins with the letter E through and including K, the Licence expiry date shall be August 31, of each year;
 - (c) where the first letter of the street name begins with the letter L through and including P, the Licence expiry date shall be October 31, of each year;
 - (d) where the first letter of the street name begins with the letter Q through and including Z, the Licence expiry date shall be December 31, of each year.
- (2) Where a new or initial Licence has been issued 90 days or less prior to the Licence expiry date described in this Schedule, the Licence period shall be extended and the Licence shall be valid, subject to the other provisions of this By-law, until the Licence expiry date in the following year.
- (3) Where a new or initial Licence has been issued 91 days or more prior to the Licence expiry date described in this Schedule, the Licence period shall not be extended and the Licence shall be valid, subject to the other provisions of this By-law, only until the current year's Licence expiry date.
- (4) Where an owner of a business has renewed the Licence for a given year and then moves the business to a new location within the City, the expiry date for the Licence will be amended to the set date for the new street location but the fee will not be payable to the new location until the Licence expiry date in the following year.
- (5) Where a completed application for renewal of Licence is not submitted to the Licensing Unit within three (3) months after the expiry date, the Owner will be required to submit a new application and pay all appropriate fees as set out in the applicable City User Fees and Charges By-law. (0251-2021)

**SCHEDULE 3
OWNERS OF LODGING HOUSES**

1. In addition to the general licensing provisions contained in this By-law, every applicant for a new or the renewal of a Lodging House Licence shall submit;
 - (1) A floor plan of the building, including dimensions and proposed use of each room and a site plan showing the location and dimensions of all parking spaces available on the property; and
 - (2) A letter from the Fire Chief stating that an inspection has been conducted of the location, within thirty (30) days of the date the application for the Licence is submitted, and it is in compliance with all the provisions of the *Fire Protection and Prevention Act, S.O. 1997*; and
 - (3) A general inspection report from the Electrical Safety Authority certifying that an inspection has been conducted on the location, within thirty (30) days of the date the application for the Licence is submitted, and that there are no visible fire and or shock hazards; and
 - (4) The Licensee shall take out and keep in full force and effect throughout the term of the License and any renewals thereof, general liability insurance in respect to the Lodging House against claims for personal injury, death or property damage or loss, indemnifying and protecting the Corporation of the City of Mississauga and the Licensee, their respective employees, servants, agents, contractors, invitees or licensees, to the inclusive limit of not less than Two Million (\$2,000,000.00) Dollars on a per occurrence basis. Such insurance shall specifically state by its wording or by endorsement that:
 - (a) The Corporation of the City of Mississauga is included as an additional insured under the policy; and
 - (b) Such policy shall not be terminated, cancelled or materially altered unless written notice of such termination, cancellation or material alteration is provided by the insurers to the Corporation of the City of Mississauga at least thirty (30) clear days before the effective date thereof.
2. Every Licensee shall:
 - (1) Keep and maintain the following written records for each Lodger and shall make these records available for inspection forthwith on the request of the Licence Manager or Officer:
 - a) The full name of the Lodger;
 - b) The address of the last place of residence prior to admission to the Lodging House;
 - c) The name, address and telephone number of the next of kin or, where there is no next of kin, the number of someone to contact in the event of an emergency; and
 - d) The Lodger's Ontario Health Insurance Plan card number, if they possess one, and if the Lodger consents.
 - (2) All of the records referred to in Subsection (1) are the property of the Lodger and, where the Lodger no longer resides in the Lodging House, shall be returned to the Lodger, forthwith, upon demand.
 - (3) Provide a functioning telephone that is accessible to all Lodgers at all times for emergency use and shall post a list of local emergency numbers in close proximity to the telephone.

- (4) Post a fire safety plan, approved by the Fire Chief in a conspicuous place in the Lodging House.
- (5) Ensure that each floor of the premise is equipped with a functioning 3A10BC Fire Extinguisher.
- (6) Provide written proof that the Lodgers have been advised that the Licence Manager or Officer will be requesting permission to enter all Lodging Units on the Property (at a time and day convenient to the City, the Licensee and the Lodgers) for the purposes of conducting inspections under this By-law.
- (7) Maintain on the Property the required number of parking spaces.
- (8) Maintain compliance with all the provisions of the Zoning By-law as it relates to a Lodging House, including any conditions imposed by the Committee of Adjustment for a minor variance.
- (9) Either personally or by their Agent, conduct an inspection of the licenced premises every three (3) months to ensure compliance with this By-law and any other applicable law and file an inspection report on the form provided by the Licensing Section including all remediation action to be taken, and a time frame for gaining compliance where non compliance is found.
- (10) Submit in writing, the name, address and contact information for any individual that will be acting as their Agent for the purposes of conducting and reporting on inspections, where applicable.
- (11) Erect and maintain a fence surrounding the entire rear Yard of the Property, except that portion of the rear yard that is bounded by the main rear wall of the Lodging House, to form a continuous enclosure of the rear yard in accordance with the following minimum requirements:
 - a) the fence shall extend from the ground to a height, measured on the outside of the fence, of not less than 1.5 metres (5 Feet);
 - b) the fence shall be of vertically boarded weather protected wood construction;
 - c) the fence shall have the vertical boarding attached to supporting members not less than 19 mm by 89 mm (3/4 inch by 3 1/2 inches) dimensions spaced not more than 40 mm (1 1/2 inch) apart;
 - d) the fence shall be supported by a minimum of 89 mm square or 89 mm (3 1/2 inch by 3 1/2 inch) diameter posts, spaced not more than 2.4 m (8 feet) on centres securely embedded to a minimum of 1.2 m (4 feet) below Grade. That portion of the wood post below Grade shall be treated with a wood preservative. Top and bottom horizontal rails shall be provided of wood 38 mm by 89 mm minimum dimensions; and
 - e) where a gate is erected at any point in the fence, such gate shall not exceed 1.2 m (4 feet) in width.
- (12) Ensure that no construction, renovation, alteration or addition is carried out on the licensed Premises without first obtaining the necessary Building Permit as may be required.
- (13) Ensure that the current Business Licence Number for the Licenced Premises appears on all advertisement for the business.

3. No Licenced Owner shall:

- (1) Permit any Person to use an appliance in a Lodging Unit that may create a fire hazard.
- (2) Permit the occupancy of, for sleeping purposes, any basement or any space used or designed to be used as a lobby, hallway, closet, bathroom, laundry room, stairway or kitchen or any room having a floor area of less than 80 square feet or any room being less than 7 feet 6 inches from the floor to ceiling.
- (3) Permit non compliance with the Property Standards By-law 654-89, as amended, the Nuisance Weeds and Long Grass By-law 267-03, the Noise Control By-law 360-79, as amended, or the Open Air Burning By-law 49-03.