

**THE CORPORATION OF THE TOWN OF GRAVENHURST  
BY-LAW 2022-58**

Being a By-law to License and Regulate Short Term Rentals  
Within the Town of Gravenhurst

**WHEREAS** Section 8 of the *Municipal Act* provides that the powers of the Municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising authority under the *Municipal Act* and any other Act;

**AND WHEREAS** Section 151 and 160 of the *Municipal Act* provides that a municipality may provide for a system of licenses with respect to a business and pass by-laws licensing businesses under any section of the *Municipal Act* or any other Act;

**AND WHEREAS** Section 434.1 of the *Municipal Act*, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality passed under the *Municipal Act*;

**AND WHEREAS** the Council for the Town of Gravenhurst deems it necessary and expedient to establish regulations to control business activities relating to short term rentals in the Town of Gravenhurst in the interest of public safety and consumer protection;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST HEREBY ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

1.1 In this by-law:

- a) **Agent** means a person authorized in writing by an Owner(s) to act on the Owner(s).
- b) **Applicant** means a person who has applied for a license under this by-law.
- c) **Building** means a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them, or a structural system serving the function thereof, including all plumbing, works, fixtures and services system appurtenant thereto.
- d) **Dwelling Unit** shall mean a suite of habitable rooms which:
  - i) is located in a building;
  - ii) is used or intended to be used in common by the occupants as a single, independent, and separate housekeeping establishment; and
  - iii) contains food preparation and sanitary facilities provided for the exclusive common

use of the occupants thereof.

- e) **Fee** means as set out in the Town of Gravenhurst User Fees and Services Charges By-law as amended from time to time.
- f) **Floor Plan** means a diagram of the arrangement of rooms in any one story of a building.
- g) **Guest Room** means a room, within a Dwelling Unit, offered for Short-term Rental Accommodation which meets the standards for a bedroom, as set for the Ontario Building Code.
- h) **Hard Surface Driveway** means a driveway constructed of gravel, pavement, concrete, interlock or similar hard surface.
- i) **License** means a license issued pursuant to this By-law.
- j) **Licensee** means the holder of a License issued pursuant to this By-law.
- k) **Municipal Law Enforcement Officer** means an Officer of the Corporation of the Town of Gravenhurst who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws.
- l) **Nuisance** means an activity or behavior that when consistent or repetitive causes a material inconvenience, discomfort, or damage to others, either to individuals and/or to the general public.
- m) **Officer** means a Municipal Law Enforcement Officer, a Police Officer, Fire Inspector, Building Inspector or Planner.
- n) **Owner** means the registered owner(s) of the Property on which Short-term Rental Accommodation occurs, and "Ownership" has a corresponding meaning.
- o) **Order** means an Order to Comply issued under this By-law or any other legislation including, but not limited to, the Building Code Act, 1992, S.O. 1992, c. 23 or the Fire Protection and Prevention Act, 1997
- p) **Person** means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a License under this By-law as the context requires;
- q) **Premises** means the property upon which Short-term Rental Accommodation occurs or is intended to occur inclusive of Buildings or structures or any part thereof used for such purpose.
- r) **Principal Residence** means a person's permanent lodging place to which, whenever absent he or she intends to return;

- s) **Renter** means the person responsible for the Short-Term Rental Accommodation by way of concession, permit, license, rental agreement, or similar commercial arrangement.
- t) **Renters Code of Conduct** as set forth in Schedule "A", means a document that has been prepared by the Town that prescribes the roles and responsibilities of the Renter, including but not limited to:
  - i) behavioural expectations as they relate to non-disturbance of neighbours;
  - ii) compliance with applicable Town By-laws, and
  - iii) adherence to the provisions of this By-law.
- u) **Responsible Person** means the Owner or Agent of the Owner which person is identified and responsible for ensuring a Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the license for such STRA and applicable laws.
- v) **Site Plan** means a scaled and detailed plan depicting the full extent of the Premises and which includes the location and dimensions of all buildings and structures on the property, the location of any septic systems including the tank and distribution pipes, the location of any wells and the location of the required and permitted parking spaces.
- w) **Short Term Rental Accommodation (or STRA)** means the use of a dwelling unit that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement, or similar commercial arrangement for any period equal to or less than twenty-eight (28) consecutive calendar days, throughout all or any part of the calendar year, unless otherwise prohibited by this By-law or any other By-law of the Town of Gravenhurst.
- x) **Town** means the Corporation of the Town of Gravenhurst.
- y) **Valid** means currently in effect and not expired.

## 2.0 GENERAL PROVISIONS

- 2.1. No person shall park a vehicle other than within a parking space which consists of a hard surfaced driveway and in such locations as permitted under the applicable zoning (see Town of Gravenhurst Comprehensive Zoning By-law).
- 2.2. The following shall be posted on the interior of the Short-Term Rental Accommodation Premises, visible to all guests and made available for inspection:
  - a) a copy of the current Short-Term Rental Accommodation License; and
  - b) a copy of the Renters Code of Conduct (See Schedule "A").

### 3.0 GENERAL PROHIBITIONS

3.1 No Person shall offer, provide, make available and/or permit the occupation or use of a dwelling unit for Short-Term Rental Accommodation:

- a) without a license issued in relation to or for such dwelling unit; and
- b) other than in accordance with the terms and conditions of such license and this By-law.

3.2 No Person shall advertise, promote, broker, or offer the use or occupation of a dwelling unit as Short-Term Rental Accommodation without a valid License.

3.3 No Person shall offer, provide, make available and/or permit the occupation or use of a dwelling unit for Short-Term Rental Accommodation in contravention of any Provincial Restriction or Order.

3.4 No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this by-law.

3.5 No Person shall alter or modify or permit the alteration or modification of a License.

### 4 APPLICATION FOR A LICENSE

4.1 A Person making an application for a License or for an application for the renewal of a License, shall submit:

- a) A completed application in the form required by the Town, which shall include the name of the Owner(s), Applicant(s) and/or Agent name their corresponding address, telephone number and email address and the Civic Address (including unit number if applicable) of the dwelling unit to be used for Short Term Rental;
- b) Proof of Ownership for the Premises;
- c) Proof that the Applicant, if the Applicant is an individual, is at least eighteen (18) years of age;
- d) Proof that the Applicant, if the Applicant is a corporation, is a valid existing corporation;
- e) A signed copy of the Short-Term Rental Municipal Accommodation Tax (MAT)-Tax Return Form;
- f) A site plan as defined in Section 1.1 (v).

4.2 An Owner of a Short-Term Rental shall provide to the Town at the time of submitting an application and maintain as current thereafter, the name and contact information of the Responsible Person who can be readily contacted by the Town within thirty (30) minutes

and respond to an emergency or contravention of any Town By-law, including attendance on Premises (upon which Short-Term Rental Accommodation occurs) within sixty (60) minutes of being notified of the occurrence.

4.3 Payment of the applicable licensing fee as noted within the Town's Fees and Service Charges By-law.

## 5. LICENSES

5.1 A license shall be issued by the Town upon the requirements of this By-law being met.

5.2 A license issued by the Town is not transferable.

5.3 A license issued pursuant to this By-law is valid from January 1 to December 31 of the year that it was issued.

5.4 The Licensing Officer shall not issue a License if the Owner(s) or Applicant(s) have any outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the Town in relation to the Premises for or to which the license application applies.

## 6. LICENSE TERMS AND CONDITIONS

6.1 A License is subject to the terms and conditions of this By-law and the terms and conditions as set out in the applicable Schedule(s) to this By-law and such other by-laws of the Town as the case may be.

6.2 An Owner of a Short-Term Rental Accommodation shall notify the Town in writing within three (3) days of any changes to the contact information for the Responsible Person:

6.3 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

## 7 LICENSE REFUSAL, REVOCATION OR SUSPENSION

7.1 The License Officer shall have the authority to issue, refuse to issue or renew a License, to revoke or suspend a License.

7.2 The Licensing Officer may refuse to issue or renew a License where:

a) the Applicant or Licensee has failed to comply with requirements set out in this By-law or any of the applicable Schedules to this By-law;

b) the Applicant or Licensee has failed to pay an Administrative Monetary Penalty imposed by the Town, or a fine or fines imposed by a Court for convictions for breach of this or any other Town By-law, or provincial offence related to the licensed Premise;

c) the Applicant or Licensee has failed to comply with any term, condition, or direction of

the Licensing Officer, or has failed to permit any investigation by an Officer;

- d) the Applicant or Licensee has submitted an application or other documents to the Town containing false statements, incorrect, incomplete, or misleading information;
- e) the Applicant or Licensee is carrying on or engaging in activities that are, or will be, in contravention of this By-Law, or any other applicable law;
- f) there is or has been a breach or violation of the Renters Code of Conduct;

7.3 Where the application for a License has been revoked, suspended, or cancelled, the fees paid by the Applicant or Licensee, in respect to the License, shall not be refunded.

7.4 Where a License has been revoked, suspended, or cancelled, the Licensee shall return the License to the Licensing Officer within two (2) days of service of the notice of the decision.

7.5 When a revoked, suspended, or cancelled License has not been returned, an Officer may enter upon the Premise, (excluding entry into a Dwelling Unit) for the purpose of receiving, taking, or removing the said License.

7.6 The Licensing Officer, if satisfied that the continuation of a License poses a danger to the health or safety of any Person, may, for the time and such conditions as are considered appropriate, suspend a License for not more than 14 days. If after this period, the License Issuer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any Person, he/she may further suspend for not more than 14 days or revoke a License.

## **8 RIGHT OF ENTRY**

8.1 A Municipal Law Enforcement Officer, the Chief Building Official or their designate(s), the Fire Chief or their designate(s) may at reasonable times, enter upon land, Premises, Buildings, or place where a License has been issued under this By-law, for the purposes of carrying out an inspection, taking photographs and obtaining evidence to determine compliance to this By-law.

8.2 A Municipal Law Enforcement Officer, the Chief Building Official or their designate(s), or Fire Chief or their designate(s) may enter upon lands at any reasonable time to direct or require that a matter or thing be done in accordance with this By-law.

8.3 The Town's power of entry may be exercised by an Officer, or Agent for the Town; and this Person may be accompanied by any Person under their direction, including Law Enforcement Services.

## **9 ADMINISTRATIVE PENALTIES**

8.4 An Officer may issue an Administrative Penalty to the Person, Owner, Agent or Licensee

found in contravention of any provision of this By-law.

8.5 Any Person who contravenes any provision of this By-law, is responsible for any fines and fees imposed under the Administrative Monetary Penalty System By-law.

8.6 Any Person who has been found in contravention of this By-law may request a review if the matter is in accordance with the Administrative Monetary Penalty System By-law.

## 10 **OBSTRUCTION**

10.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

10.2 No Person, who has been alleged to have contravened any of the provisions of this By-law, shall fail to identify themselves to the Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) upon request.

## 11 **OFFENCE**

11.1 Every Person who knowingly makes a false statement in an application, declaration or affidavit required by this By-law or the Town, is guilty of an offence.

11.2 Every Person guilty of an offence under this By-law may be subject to one or more of the following:

11.3 Each day a contravention occurs constitutes a new offence.

## 12 **VALIDITY AND SEVERABILITY**

12.1 Should any section clause or provision of the By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

## 13 **FORCE, EFFECT AND REPEAL**

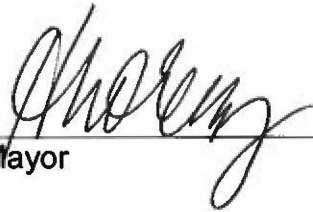
13.1 This by-law shall come into effect on January 1, 2023.

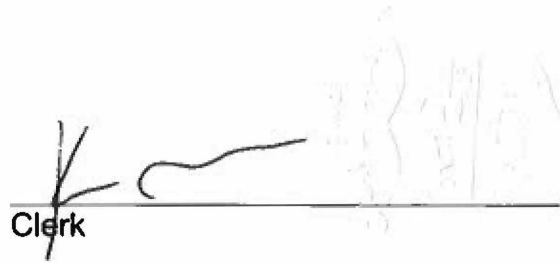
## 14 **SCHEDULES**

14.1 The schedule attached to this By-law form part of this Bylaw:

a) Schedule "A" – Renter's Code of Conduct

**READ a FIRST, SECOND and THIRD time and finally passed this 31st day of May, 2022.**

  
\_\_\_\_\_  
Deputy Mayor

  
\_\_\_\_\_  
Clerk

**Schedule 'A' to By-law No. 2022-58  
Renter's Code of Conduct**

**Purpose of this Code of Conduct**

1. Maximizes the enjoyment of all properties in the Town of Gravenhurst.
2. Ensures the safe operation of a Short-term Rental Premises.
3. Acknowledges that the Town of Gravenhurst residents have the right to enjoy their properties without nuisance.
4. Establishes acceptable standards of behaviour for Short-Term Rental Renter(s).
5. Defines requirements for Renter accountabilities for a Short-Term Rental Premises

**Owners Acknowledgement of Short-term Rental Use**

1. The owner acknowledges that a valid Short-Term Rental Accommodation License shall be posted in a conspicuous place.
2. The owner acknowledges that the following information is to be provided on the Premises :
  - a) the Short-Term Rental Accommodation Premises Owner & Address;
  - b) an emergency contact number for the Owner/ Responsible Person;
  - c) the Site Plan and Floor Plan(s);
  - d) a signed copy of the Town of Gravenhurst Short Term Rental Code of Conduct (signed by both the Short-Term Rental Owner and the Short-Term Rental Renter;
  - e) the type Of Access for the Short-Term Rental Premises: (Please Check One)
    - o Year-Round Maintained Public Road
    - o Seasonally Maintained Road
    - o Private Road / Right-Of-Way
    - o Water Access
3. Where the access identified under subsection 2 (e) above is not a year-round maintained road, the owner is to ensure the following **EMERGENCY SERVICES STATEMENT** is posted:

**“DUE TO THIS SHORT-TERM RENTAL ACCOMMODATION NOT BEING ACCESSIBLE BY A YEAR-ROUND MAINTAINED PUBLIC ROAD, EMERGENCY RESPONSE TIMES TO THESE PREMISES MAY BE DELAYED.”**

**Renters Acknowledgement of Short-Term Rental Use**

1. The Renter acknowledges that their actions, if in contravention of any municipal by-law, may result in a complaint against the Owner of the Premises and may cause the Owners' Short-Term Rental Accommodation License to be suspended, revoked, and/or not renewed.
2. The Renter acknowledges that continued non-compliance with any by-law may result in enforcement measures being taken against themselves and/or the Owner.

Consider some examples below:

- o Noise contrary to by-law
- o Allowing dog(s) off leash, on private or public property contrary to by-law
- o Parking on the road or Premises contrary to by-law
- o Leaving garbage on Premises that creates nuisance or odour
- o Outdoor burning contrary to by-law

I, \_\_\_\_\_, acknowledge having read and understood the above,  
Print First and Last Name

and;

Also acknowledge that I am renting this Premises from a valid Short-Term Rental License holder in the Town of Gravenhurst, and I will conduct myself as well as ensuring that those that are occupying this address at the same time with me are conducting themselves in accordance with this Code and all other applicable by-laws. I acknowledge that I may be subject to enforcement measures against myself, other occupants or the Short-Term Rental Accommodation License Holder and/or Owner(s).

\_\_\_\_\_  
Signature of Renter(s)

\_\_\_\_\_  
Date