

THE CORPORATION OF THE CITY OF NIAGARA FALLS

BY-LAW 2021 - 57

**BEING A BY-LAW TO REGULATE AND LICENSE
VACATION RENTAL UNITS AND BED AND BREAKFAST ESTABLISHMENTS AND
TO AMEND BY-LAW 2001-31**

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended hereinafter referred to as the “*Municipal Act*” provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 8 (3) of the *Municipal Act*, authorizes a municipality to provide for a system of licences;

AND WHEREAS Section 9 of the *Municipal Act*, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to:

- (a) enable municipalities to govern their affairs as they consider appropriate; and
- (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 11 (2), paragraph 6 of the *Municipal Act*, authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

AND WHEREAS Section 151 of the *Municipal Act*, provides that a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS Section 23.1 of the *Municipal Act*, authorizes a municipality to delegate its powers and duties;

AND WHEREAS the Council of the Corporation of the City of Niagara Falls deems it necessary and expedient to regulate and license Vacation Rental Units and Bed and Breakfast Establishments in the City of Niagara Falls;

NOW THEREFORE the Council of the Corporation of the City of Niagara Falls enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

“Applicant” means a Person who files an application for a license;

“Bedroom” means a room or area used, designed, equipped or intended for sleeping;

“Bed and Breakfast Establishment” means a home occupation that provides guest rooms and may provide breakfast to the travelling and vacationing public;

“Building Code Act” means the Building Code Act, 1992, S.O. 1992, c. 23, as amended and its regulations;

“Chief Building Official” means the Chief Building Official for the City or any other Person appointed by By-law as a designate;

“Clerk” means the Clerk for the City or any Person designated by the Clerk;

“Council” means Council for the City;

“Detached Dwelling” means a building containing one primary dwelling unit;

“Dwelling” means a building used or capable of being used as the residence of one or more persons but does not include a hotel, motel or other tourist establishment, a mobile home or a trailer;

“Dwelling Unit” means a unit that:

- (i) consists of a self-contained set of rooms located in a building or structure;
- (ii) is used, intended or designed for use as residential premises; and
- (iii) contains kitchen and bathroom facilities that are intended for the use of the unit only;

“Fire Protection and Prevention Act” means the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, and its regulations;

“Fire Chief” means the Fire Chief for the City or a Fire Prevention Officer;

“Guest Room” means a room or suite of rooms which is capable of being rented separately to the travelling and vacationing public and does not have any cooking facilities and includes a bedroom;

“Home Occupation” means an occupation, trade, business, profession or craft carried on as an accessory use of the dwelling as the private residence of the person carrying on the occupation, trade, business, profession or craft;

“Licence” means a licence issued by the City pursuant to this By-law;

“Licence Issuer” means a City employee who is responsible for issuing a Licence;

“Licence Number” means a number assigned to a Licence by the City;

“Licensee” means a Person issued a current valid licence pursuant to this By-law;

“Licensing Appeal Committee” means a Committee established by Council to hear appeals under this By-law;

“Maximum Occupancy” means the maximum number of occupants permitted on the premises as determined by the Chief Building Official;

“Medical Officer of Health” means the Medical Officer of Health for Niagara Region Public Health and includes any public health inspectors of Niagara Region Public Health;

“Officer” means a police officer, municipal law enforcement officer, Fire Chief, fire prevention officer, Chief Building Official, building inspector, Medical Officer of Health, or any other Person appointed by by-law to enforce the provisions of this By-law;

“Owner” means the owner of a property as recorded in the records of the Registry Office for the Land Titles Division of Niagara South maintained in that Office for that property;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Premises” means land, property or any part thereof including any and all buildings or other structures thereon;

“Principal Residence” means a person’s permanent lodging place to which, whenever absent he or she intends to return;

“Property” means a parcel of land which is capable of being legally conveyed;

“Renter” means the Person responsible for the rental of the premises by way of concession, permit, licence, agreement or similar commercial arrangement;

“Renter’s Code” means a document prepared by the Owner that:

- (a) sets out the roles and responsibilities of a Renter including behavior expectations as they relate to causing a disturbance;
- (b) provides a written warning related to the making of a disturbance;
- (c) identifies the City by-laws and the provisions of the City by-laws to be complied with.

“Responsible Person” means a Licensee or a Person designated by a Licensee who is over the age of eighteen (18);

“Vacation Rental Unit” means the use of a detached dwelling or dwelling unit that is available for rent in its entirety for a period of 28 consecutive days or less, to provide temporary lodging to the travelling and vacationing public;

“City” means the Corporation of the City of Niagara Falls or the land within the geographic limits of the Corporation of the City of Niagara Falls as the context requires;

“Zoning By-law” means any by-law administered by the City passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2. GENERAL AND PROHIBITIONS

- 2.1 This by-law shall apply throughout the whole of the City.
- 2.2 This by-law may be referred to as the "Vacation Rental Unit and Bed and Breakfast Establishment Licensing By-law".
- 2.3 No Person shall own or operate, or permit the operation of a Vacation Rental Unit without a current valid licence.
- 2.4 No Person shall own or operate, or permit the operation of a Bed and Breakfast Establishment without a current valid licence.
- 2.5 No Person shall own or operate a Vacation Rental Unit or a Bed and Breakfast Establishment other than in accordance with the terms and conditions of a licence, the terms and conditions of this By-law.
- 2.6 No Person shall advertise, promote, broker, or offer for rent or lease a Vacation Rental Unit without a current valid licence.
- 2.7 No Person shall advertise, promote, broker, or offer for rent a Bed and Breakfast Establishment without a current valid licence.
- 2.8 No Person shall alter or modify or permit the alteration or modification of a licence.
- 2.9 No Person shall use or attempt to use a licence issued to another Person.
- 2.10 No Person shall own, operate or carry on any business in any other name other than in the name that appears on the licence.
- 2.11 Every Person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the City is guilty of an offence.
- 2.12 No Person who is issued a licence pursuant to this By-law shall contravene any provision set out in this by-law, any other municipal by-law, federal or provincial Act, Statute, or any other legislation applicable to the licensed premises.
- 2.13 No Person shall remove an order or placard posted on the premises under this By-law, except an Officer.
- 2.14 No Person shall own, operate or carry on any business while a licence is under an administrative suspension.
- 2.15 No Person licensed under this By-law shall, because of race, colour, creed, gender or sexual orientation, discriminate against any member of the public in the carrying on, conducting or operating of a Bed and Breakfast Establishment or a Vacation Rental Unit.

3. APPLICATION FOR A LICENCE

- 3.1 A Person making an application for a licence or for a renewal of a licence shall submit:

- (a) a complete application in the form provided by the City;
- (b) when applicable, the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
- (c) documentation that the applicant is the owner of the property;
- (d) all required documents, and obtain all required approvals and inspections as outlined in the applicable Schedule to this By-law from the appropriate authority having jurisdiction to the satisfaction of the City;
- (e) any other documents as may be required by the City to the satisfaction of the City;
- (f) the prescribed fee.

3.2 Acceptance of a licence application and a licence application fee does not constitute approval of the application or oblige the City to issue a licence.

4. LICENCES

4.1 The Licence Issuer is hereby delegated authority to issue a licence in accordance with the provisions of this By-law and the applicable Schedule(s) to this By-law.

4.2 The Licence Issuer is hereby delegated authority to impose additional terms and conditions on a licence that in the opinion of the Licence Issuer are reasonable and taking into consideration:

- (a) the health, safety and well-being of Persons;
- (b) the impact on a neighbouring property or a neighbouring property owner;
- (c) the past conduct of an applicant or a licensee.

4.3 The Licence Issuer is hereby delegated authority to revoke, suspend, refuse to issue, or refuse to renew a licence, where the applicant or licensee would not be entitled to a licence, or to the renewal of a licence, on any grounds set out in this By-law.

4.4 A licence issued by the City is non-refundable is not transferable.

4.5 A licence issued pursuant to this By-law is valid for the current year and shall expire on the 30th day of April the following year unless otherwise suspended or revoked in accordance with the provisions of this By-law.

4.6 Every licence shall remain at all times the property of the City and no Person shall enjoy a vested right in any licence or the continuance of any licence.

4.7 A licence shall be issued by the Licence Issuer:

- (a) upon the requirements of this By-law being met;
- (b) upon submission of the documents to the City's satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law;

- (c) upon obtaining the required approvals and inspections to the City's satisfaction as required by this By-law and as outlined on the applicable Schedule(s) to this By-law.
- 4.8 The Licence Issuer shall not issue a licence if the owner(s) have any outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the City for the property subject to the licence application.
- 4.9 A Licence shall only be issued by the Licence Issuer to the owner of the property.
- 4.10 A Licence issued under this By-law shall include following:
 - (a) The municipal address;
 - (b) Licence Number;
 - (c) Date of issue and expiry date of the Licence;
 - (d) Number of bedrooms for rent;
 - (e) Licensee name and contact information;
 - (f) In the case of a Vacation Rental Unit, the Responsible Person's name and contact information.
- 4.11 Where a change in the ownership of a property occurs, an application for a licence is subject to all the provisions of this By-law and the City's Schedule of Fees By-law as an initial application for the property and not a renewal.
- 4.12 Where there is a change in the number of guest rooms of a Bed and Breakfast Establishment an application for a renewal of a licence is subject to all the provisions of this By-law and the City's Schedule of Fees By-law as an initial application for the property and not a renewal.

5. LICENCE – TERMS AND CONDITIONS

- 5.1 A licence 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.
- 5.2 A licensee shall notify the City within seven (7) days of any changes to the:
 - (a) business name;
 - (b) location of the business premises;
 - (c) ownership of the business

and such changes shall be subject to submission of the necessary documentation to the City.

- 5.3 A licensee shall be responsible for the act(s) and omission(s) of its employees, representatives, and the Responsible Person in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).
- 5.4 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

6. LICENCES – ADMINISTRATIVE SUSPENSIONS

- 6.1 Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.
- 6.2 An administrative suspension of a licence without a hearing shall be imposed for fourteen (14) days if the Licence Issuer is satisfied that the continuation of the business poses an immediate danger to health and safety of any person or to any premises or in accordance with Section 7. Before any suspension is imposed, the City shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
- 6.3 An administrative suspension imposed under Section 6.2 may be imposed on such conditions as the Licence Issuer considers appropriate.

7. LICENCES – GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION

- 7.1 An applicant or licensee is entitled to a licence upon meeting the requirements of this By-law except where:
 - (a) the past or present conduct of any person, including any partner, the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or
 - (b) the applicant or licensee has past breaches or contraventions of any law or any provision of this By-law or any other municipal by-law or Provincial or Federal Statute associated with the carrying on of such business; or
 - (c) the applicant or licensee has failed to pay a fine or fines imposed by a Court for convictions for breach of this or any other City by-law or provincial offence related to the licensed premises; or
 - (d) the applicant or licensee has failed to comply with any term, condition or direction of the Licence Issuer or Officer or has failed to permit any investigation by the Licence Issuer or Officer; or
 - (e) the applicant or licensee has failed to comply with the requirements set out in this By-law or any of the applicable Schedules to this By-law; or
 - (f) the issuing of a licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
 - (g) the applicant or licensee has submitted an application or other documents to the City containing false statements, incorrect, incomplete, or misleading information; or
 - (h) the applicant or licensee is carrying on or engaging in activities that are, or will be, if the applicant or licensee is licensed, in contravention of this By-law, or any other applicable law; or

- (i) the applicant or licensee has not paid the required licence fees; or
- (j) the applicant or licensee has outstanding fines, penalties, legal costs, disbursements, property taxes and late payment charges owing to the City for the subject property.

7.2 The Licence Issuer may revoke, suspend, refuse to issue, or refuse to renew a licence, where the applicant or licensee would not be entitled to a licence, or to the renewal of a licence, on any grounds set out in this By-law.

7.3 Where the application for a licence has been revoked, suspended or cancelled, the fees paid by the applicant or licensee, in the respect of the licence, shall not be refunded.

7.4 Where a licence has been revoked, suspended, or cancelled the licensee shall return the licence to the Licence Issuer within two (2) days of service of the notice of the decision.

7.5 When a revoked, suspended or cancelled licence has not been returned, an Officer may enter upon the premises for the purpose of receiving, taking or removing the said licence.

8. LICENCES – GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION – TERMS AND CONDITIONS – RIGHT TO A HEARING

8.1 With the exception of Section 6, before a licence is refused, revoked, suspended, cancelled or issued with terms or conditions, written notice shall be given to the applicant or licensee.

8.2 Notice shall be served to the applicant's or licensee's last known address or email address filed with the City and shall:

- (a) contain sufficient information to specify the nature of, or reason for, any recommendation;
- (b) inform the applicant or licensee of entitlement to a hearing before the Licensing Appeal Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and
- (c) inform the applicant or licensee that if no written request is received, the Licensing Appeal Committee may proceed and make any decision with respect to the licence.

8.3 On receipt of a written request for a hearing from an applicant or licensee, the Clerk shall:

- (a) schedule a hearing; and
- (b) give the applicant or licensee notice of the hearing at least twenty (20) days prior to the hearing date; and
- (c) post notice of the hearing on the City's website at least twenty (20) days prior to the hearing date.

8.4 Service of any notice on the applicant or licensee under this by-law shall be made by personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the seventh (7th) day after the day of mailing or on the date of personal service or on the date the email is sent.

9. LICENSING APPEAL COMMITTEE

- 9.1 The Licensing Appeal Committee shall hear and render decisions regarding the refusal, revocation or suspension of a licence, and the imposing of terms and conditions on a licence.
- 9.2 The decision of the Licensing Appeal Committee shall be final and binding.

10. HEARING PROCESS

- 10.1 The provisions of the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, shall apply to all hearings conducted under this By-law.
- 10.2 A hearing shall be held in public, unless determined otherwise in accordance with the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S. 22*, as amended, and the Licensing Appeal Committee shall hear the applicant or licensee and every other person who desires to be heard, and the Licensing Appeal Committee may adjourn the hearing or reserve its decision.
- 10.3 No decision of the Licensing Appeal Committee is valid unless it is concurred in by the majority of the members of the Licensing Appeal Committee that heard the matter, and the decision of the Licensing Appeal Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
- 10.4 Any authority or permission granted by the Licensing Appeal Committee may be for such time and subject to such terms and conditions as the Licensing Appeal Committee considers advisable and as are set out in the decision.
- 10.5 When a person who has been given written notice of a hearing does not attend at the appointed time and place, the Licensing Appeal Committee may proceed with the hearing in his absence, and the person shall not be entitled to any further notice of the proceedings.
- 10.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:
 - (a) the applicant or licensee;
 - (b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

11. AUTOMATIC INITIATION OF REVOCATION AND REFUSAL TO RENEW

- 11.1 A Licence Issuer shall refuse to issue or revoke a Bed and Breakfast Establishment licence or a Vacation Rental Unit licence in accordance with the provisions of this By-law where the City has determined three (3) valid violations have occurred or three (3) convictions have been registered and occurred at the property within a one (1) year period.
- 11.2 Where a licence has been refused or revoked in accordance with this section, no person shall be entitled to apply for a licence for the subject property for a period of six (6) months from the date of refusal or revocation of the licence.

12. FEES

- 12.1. The fees for a licence or renewal of a licence, inspections and approvals required pursuant to this By-law shall be as prescribed in the City's Schedule of Fees By-law.

13. ORDER TO DISCONTINUE

- 13.1 Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law, or who has caused or permitted the contravention, or the owner or licensee of the premises on which the contravention has occurred, to discontinue the contravening activity.
- 13.2 An Order under section 13.1 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention;
 - (b) the location of the premises on which the contravention occurred; and
 - (c) the date by which there must be compliance with the Order
- 13.3 An Order to discontinue a contravening activity made under this section may be served personally, ordinary mail to the last known address or by email transmission to:
- (a) the person the Officer believes contravened this By-law; and
 - (b) such other persons affected by the Order as the Officer making the Order determines.
- 13.4 The Order shall be deemed to have been served on the seventh (7th) day after the date of mailing or on the date of personal delivery or email transmission.
- 13.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the premises and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Order shall be deemed to be served on the date of placing the placard.

14. ENFORCEMENT AND PENALTY PROVISIONS

- 14.1 The enforcement of this By-law shall be conducted by an Officer.
- 14.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- (a) the By-law is complied with;
 - (b) the licence, or the term or condition of a licence, or the term or condition of this By-law is complied with;
 - (c) the approved plans are complied with;
 - (d) a direction or order made under the *Municipal Act, 2001*, or this By-law is complied with.

- 14.3 For the purposes of an inspection under this By-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 14.4 All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.
- 14.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 14.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- 14.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.
- 14.8 Every person who contravenes any provision of this By-law or an Order issued pursuant to this By-law, and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
- (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 14.9 Every person who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 14.10 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 14.11 Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- 14.12 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 14.13 If a person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

15. SEVERABILITY

- 15.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the City that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

16. SINGULAR AND PLURAL USE

- 16.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

17. SCHEDULES

- 17.1 The Schedules attached to this By-law form part of this By-law.

18. REPEAL

- 18.1 That By-law 2001-31 be amended by deleting Schedule 30.
- 18.2 That By-law 2001-31 be amended by deleting the following on Schedule 1:
- “Tourist Homes, Bed and Breakfasts \$65.00 April 30”.

Read a First, Second and Third time; passed, signed and sealed in open Council this 11th day of May, 2021.

.....
WILLIAM G. MATSON, CITY CLERK

.....
JAMES M. DIODATI, MAYOR

SCHEDULE A TO BY-LAW 2021-57

1. In addition to the licensing requirements set out in Section 3.1 of this By-law an Applicant for a Vacation Rental Unit Licence shall submit the following:
 - (a) Confirmation from the Fire Chief dated within the previous sixty (60) days stating the premises are in compliance with the Fire Protection and Prevention Act, and the policies of the Niagara Falls Fire Department respecting a Vacation Rental Unit ;
 - (b) If the premises is on private water supply and/or sewage disposal, a certificate from the Medical Officer of Health dated within sixty (60) days stating that the premises has services adequate for the Vacation Rental Unit;
 - (c) A certificate from the Medical Officer of Health dated within sixty (60) days stating that the premises has been inspected and is in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7, as amended, and its regulations.
 - (d) A site plan and floor plans outlining the portion of the premises to be used as a Vacation Rental Unit and demonstrating the premises:
 - i) conforms with the City's Zoning By-law;
 - ii) provides a minimum of two (2) parking spaces or as established in a site specific zoning by-law amendment.
 - (e) Certificate from the Electrical Safety Authority dated within the previous 2 years stating the premises are in compliance with the Electrical Safety Code.

2. In addition to the licensing requirements set out in Section 3.1 of this By-law an Applicant or Licensee for a Vacation Rental Unit Licence or renewal of a Vacation Rental Unit Licence shall submit the following:
 - (a) Proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a Vacation Rental Unit for the term of the licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the City by the insurance underwriter.
 - (b) The name, address, email address, phone number and emergency phone number of the Responsible Person.
 - (c) A copy of the standard agreement used for the premises which shall contain the following:
 - i) a notification clause that advises renter of the City's Noise By-law;
 - ii) the maximum occupancy of the Vacation Rental Unit, as provided by the Chief Building Official;
 - (d) A Renter's Code.

3. In addition to the licensing requirements set out in section 3 of this By-law the issuing of a Vacation Rental Unit Licence or renewal of a Vacation Rental Unit Licence is subject to the following:

- (a) Compliance with the:
 - i) City's Zoning By-law;
 - ii) Fire Protection and Prevention Act;
 - iii) Building Code Act;
- (b) Posting of Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the premises to the satisfaction of the City.

TERMS AND CONDITIONS

4. A Licensee of a Vacation Rental Unit shall:

- (a) designate a Responsible Person;
- (b) display the licence in a conspicuous place on the licensed premises in close proximity to the entrance of the premises and visible to the public at all times;
- (c) display the licence in a prominent place on the interior of the licensed premises;
- (d) be responsible for the operation of the premises, the conduct of the renter and the occupants of the premises.
- (e) post the Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the premises to the satisfaction of the City.

5. Every person who owns or operates a Vacation Rental Unit shall:

- (a) operate the premises in accordance with the City's:
 - i) Property Standards By-law;
 - ii) Zoning By-law;
 - iii) Sign By-law;
 - iv) Litter, Maintenance of Lands By-law;
 - v) Noise By-law;
 - vi) any other By-laws;
 - vii) any Federal and Provincial legislation;
- (b) provide the Renter with a copy of the Renter's Code;
- (c) keep a register that keeps record of the following:
 - i) the date of entry;
 - ii) name and home address of the Renter;

- iii) the length of stay of a Renter;
 - iv) confirmation including the date of receipt of the Renter's Code by the Renter;
- (d) maintain the records required by subsection (b) for a minimum of two (2) years;
- (e) include the current Licence Number on all:
 - i) advertisement and promotional materials;
 - ii) website;
 - iii) contracts and agreements entered into with a Renter.
- (f) shall have a Responsible Person available 24 hours a day, 7 days a week to attend the premises within one (1) hour of being contacted or notified by the City or an authorized agent or representative of the City or an Officer.

SCHEDULE B TO BY-LAW 2021-57

1. In addition to the licensing requirements set out in Section 3.1 of this By-law an Applicant for a Bed and Breakfast Establishment Licence shall submit the following:
 - (a) Confirmation from the Fire Chief dated within the previous sixty (60) days stating the premises are in compliance with the Fire Protection and Prevention Act, and the policies of the Niagara Falls Fire Department respecting a Bed and Breakfast Establishment;
 - (b) If the premises is on private water supply and/or sewage disposal, a certificate from the Medical Officer of Health dated within sixty (60) days stating that the premises has services adequate for the Bed and Breakfast Establishment.
 - (c) A certificate from the Medical Officer of Health dated within sixty (60) days stating that the premises has been inspected and is in compliance with the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7, as amended, and its regulations.
 - (d) A site plan and floor plans outlining the portion of the premises to be used as a Bed and Breakfast Establishment and demonstrating the premises:
 - i) conforms with the City's Zoning By-law;
 - ii) provides a minimum of one (1) parking space for the dwelling and one (1) parking space for each guest room capable of being rented out or as established in a site specific zoning by-law amendment.
 - (e) Certificate from the Electrical Safety Authority dated within the previous 2 years stating the premises are in compliance with the Electrical Safety Code;
2. In addition to the licensing requirements set out in Section 3.1 of this By-law the issuing of a Bed and Breakfast Licence or renewal of a Bed and Breakfast Licence is subject to the following:
 - (a) Documentation that the owner uses the premises as its principal residence;
 - (b) Proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for a Bed and Breakfast Establishment for the term of the licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the City by the insurance underwriter.
3. In addition to the licensing requirements set out in section 3 of this By-law the issuing of a Bed and Breakfast Establishment Licence or renewal of a Bed and Breakfast Establishment Licence is subject to the following:
 - (a) Compliance with the:
 - i) City's Zoning By-law;
 - ii) Fire Protection and Prevention Act;
 - iii) Building Code Act.

TERMS AND CONDITIONS

4. A Licensee of a Bed and Breakfast Establishment shall:

- (a) be on site at the premises during the stay of a Renter;
- (b) display the licence in a conspicuous place on the licensed premises in close proximity to the entrance of the premises and visible to the public at all times;
- (c) display the licence in a prominent place on the interior of the licensed premises;
- (d) display a statement of the fee to be charged for each guest room and the check-out time in a prominent place on the interior of the licensed premises and in each guest room;
- (e) post the Fire Safety Instructions that is plaqued or framed, that depicts the location of each bedroom, smoke alarm, extinguisher, exit/egress doors or windows on the premises to the satisfaction of the City.
- (f) be responsible for the operation of the premises, the conduct of the renter and the occupants of the premises.

5. Every person who owns or operates a Bed and Breakfast Establishment shall:

- (a) operate the premises in accordance with the City's:
 - i) Property Standards By-law;
 - ii) Zoning By-law;
 - iii) Sign By-law;
 - iv) Litter, Maintenance of Lands By-law;
 - v) Noise By-law;
 - vi) any other By-laws;
 - vii) any Federal and Provincial legislation;
- (b) keep a register that keeps record of the following:
 - i) name and home address of the Renter;
 - ii) the date of entry;
 - iii) the length of stay of a Renter;
- (c) maintain the records required by subsection (b) for a minimum of two (2) years;
- (d) include the current Licence Number on all:
 - i) advertisement and promotional materials;
 - ii) website;
 - iii) contracts and agreements entered into with a Renter.