

CITY OF NIAGARA FALLS

By-law No. 2021 – 99

Being a by-law to amend By-law 2021-57, a By-law to regulate and license Vacation Rental Units and Bed and Breakfast Establishments.

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 licenses;

AND WHEREAS the City of Niagara Falls has enacted a by-law to license Vacation Rental Units and Bed and Breakfast Establishments;

AND WHEREAS it is desirable to amend the Licensing By-law No. 2021-57;

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

1. By-law No. 2021-57, Section 1 **Definitions** is hereby amended by addition the following:

“**Platform**” means any software, technology, or service, including a smartphone application;

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

“**Vacation Rental Unit Brokerage**” means any **person** who facilitates or brokers **Vacation Rental Unit** reservations for others, and who:

- (a) receives payment, compensation, or financial benefit due to, as a result of, or in connection with a **person** making or completing reservations of a **vacation rental unit**;
- (b) collects, assesses, or holds information on the number of nights that reservations of a **vacation rental unit** are made or completed;

2. By-law No. 2021-57, Section 14. **Enforcement and Penalty Provisions** is hereby amended by adding the following:

14.14 A court may, in the absence of evidence to the contrary, infer that a listing on the **platform** of a **vacation rental unit brokerage** or a public advertisement to the effect, and by any means, is proof that the premises is being rented or offered for rent as a **vacation rental unit**. For greater certainty, a witness need not possess special or expert knowledge for the court to make any such inference.

Read a First, Second and Third time; passed, signed and sealed in open Council this 14th day of September, 2021.

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

.....
JAMES M. DIODATI, MAYOR