

**The Corporation of the
Township of Selwyn**

By-law Number 2021-065

**Being a By-law to regulate and establish business licencing for boarding,
lodging and rooming houses**

Whereas the Ontario Municipal Act, 2001, S.O. 2001, c. 25, Section 2, as amended, states that municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction, and as such, municipalities are given powers and duties under this Act, and many other Acts, for the purpose of providing good government with respect to those matters; and

Whereas the Ontario Municipal Act, 2001, S.O. 2001, c. 25, Section 5.3, as amended, states that a municipal power shall be exercised by By-law unless the municipality is specifically authorized to do otherwise; and

Whereas the Ontario Municipal Act, 2001, S.O. 2001, c. 25, Section 8, as amended, empowers a municipality to regulate or prohibit a matter that is a municipal issue; and

Whereas the Ontario Municipal Act, 2001, S.O. 2001, c. 25, Section 11(3), as amended, provides that a lower-tier municipality may pass By-laws respecting business licencing; and

Whereas the Ontario Municipal Act, 2001, S.O. 2001, c. 25, Section 151, as amended, provides that a municipality may provide for a system of licences with respect to obtaining, continuing to hold or renew a business licence; and

Whereas owners who operate a boarding, lodging or rooming house and who receive rent are operating a business; and

Whereas the municipal council for the Township of Selwyn has determined that licencing and inspecting boarding, lodging and rooming houses will help to ensure the safety of occupants thereof is a municipal interest; and

Whereas the municipal council for the Township of Selwyn has determined that licencing and inspecting boarding, lodging and rooming houses is in the municipal interest;

Now therefore, the Council of the Corporation of the Township of Selwyn hereby enacts as follows:

1.0 Definitions

In this By-law,

Annual Self-Attestation Form – means a form prepared, from time to time, by the Selwyn Fire Department which requires an Owner of Boarding, lodging or rooming house to attest to the truthfulness of certain matters.

Authorized Official – means:

- a. a Building Inspector, By-law Enforcement Officer, and/or the Chief Building Official;
- b. Fire Prevention Officers employed by the Township;
- c. Employees of Peterborough Public Health;
- d. an inspector qualified to perform an inspection under the Electrical Safety Act; and
- e. any designate to the foregoing.

Bedroom – means a room, or area in a licenced Boarding, Lodging or Rooming house equipped, used or designed with the intended use for sleeping.

Boarding, Lodging or Rooming house – means a building in which lodging is provided for four (4) or more persons in return for remuneration or for the provision of services or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants, but does not include: a motel, hotel, bed and breakfast establishment, tourist establishment, private hospital, group home, second unit or apartment dwelling for which a Business Licence has been issued by the Township.

Business Licence or Licence – means a licence, issued by the Township which permits an Owner to operate a Licenced Boarding, Lodging or Rooming house.

Township – means The Corporation of the Township of Selwyn.

Dwelling Unit – means connected space for residential purposes, within a building which includes one or more bedrooms, sanitary facilities, and cooking facilities, all of which are provided for the exclusive use of the occupants thereof and which has a private entrance from either the outside of the building or through a common area.

Follow-up Inspection – means each inspection performed by one or more Authorized Officials after an Initial Inspection is completed and the Boarding, Lodging or Rooming house did not meet the minimum requirements of one or more of the Building Code, the Fire Code, the Electrical Code or any applicable Property Standards or Clean Property By-law.

Follow-up Inspection Fee – means the fee payable to the Township for the performance of each inspection after the inspection contemplated by the Initial Inspection Fee or, as the case may be, the Renewal Fee.

Initial Inspection – means the first inspection performed by an Authorized Official at a Boarding, Lodging or Rooming house.

Initial Inspection Fee – means either:

- a. the fee of zero dollars required to obtain a Business Licence on or before April 30th, 2022; or
- b. after April 30th, 2022, the fee paid by an Owner for the inspection of a Boarding, lodging or rooming house.

Licencee – means a person, firm or corporation to whom the Township has issued a Business Licence under this By-law.

Owner – means any person, firm, corporation or Licencee having control of a Boarding, Lodging or Rooming house or the property upon which the Boarding, Lodging or Rooming house is located or over any portion of the foregoing.

Renewal Fee – means the annual Business Licence fee, set out in the Township's Tariff of Fees By-law, required to operate a Boarding, Lodging or Rooming house.

Renewal Inspection – means the annual inspection performed at a Boarding, Lodging or Rooming house in conjunction with renewing a Business licence.

Rent – means the consideration provided for occupying a Bedroom, whether the consideration is money or something else.

Rental Dwelling Unit - means a type of Dwelling Unit offered for Rent containing 4 or more Bedrooms which functions as a single house-keeping unit.

Tenant – means a person who provides Rent to an Owner or to a Licencee.

2.0 Owner's Requirements

2.1 Every Owner of a Boarding, Lodging or Rooming house shall display, in an unobstructed manner, the current Business Licence obtained for each Boarding, Lodging or Rooming house. in:

- a. a ground-floor window at the front of the Boarding, Lodging or Rooming house; and
- b. in a conspicuous place in the entrance hallway of the Boarding, Lodging or Rooming house.

2.2 Every Owner of a Boarding, Lodging or Rooming house shall, as a condition of obtaining a Licence, permit, as the case may be, the Initial Inspection, each Renewal Inspection and each Follow-up Inspection of the Boarding, Lodging or Rooming house by any Authorized Official.

2.3 Application Fee – Requirements

An application for a Licence, or for the renewal of a Licence, shall be made on the forms provided by the Township, and each completed application shall be submitted to the Township, accompanied by the following Fee or Fees:

- a. The Renewal Fee, in the amount specified in the current Tariff of Fees By-law or, by the sum of zero dollars in accordance with the exception contained in Article 8.1 below;
- b. The Inspection Fee, if applicable;
- c. The Follow-up Inspection Fee, if applicable;

2.4 Refusal – Licence Fee Non-refundable

Where an application for a Business Licence, or for renewal of a Business Licence, is refused, the Renewal Fee shall not be refunded and any person making a subsequent application for the same Boarding, Lodging or Rooming house shall be required to pay the Renewal Fee again.

2.5 Renewal – Refusal Conditions

An applicant whose application meets all the requirements of this By-law is entitled to the issuance or renewal of a Business Licence except where:

- a. Past conduct of the applicant affords reasonable grounds for belief that the issuance of a licence would be adverse to the public interest; or
- b. The applicant is carrying on activities that are, or would be, if licenced, in contravention of this By-law, any other By-law, or federal or provincial statute or regulations.

2.6 Licence – Term

- a. With the exception of a Business Licence issued under Article 8.1, every Business Licence issued pursuant to this By-law shall be valid for one year.
- b. Notwithstanding Article 2.7, no Business Licence issued under this By-law is transferable to a new Owner of a Boarding, Lodging or Rooming house.

2.7 Duplicate Licence

A duplicate Business Licence to a Licencee may be issued to replace any previously issued Business Licence which has been lost, stolen or destroyed, upon written application by the Licencee.

2.8 Change of Address – Required

Where the name or address of a Licencee changes, the Licencee shall notify the Township in writing within fifteen (15) business days.

2.9 Compliance

Compliance with applicable statutes, regulations and By-laws shall be deemed to be a condition of each Business Licence issued pursuant to this By-law.

2.10 Inspection of Boarding, Lodging or Rooming house by Authorized Official

Each Boarding, Lodging or Rooming house may be inspected at all reasonable times by one or more Authorized Officials.

2.11 Inspection – Owner to Permit

Every Owner of a Boarding, Lodging or Rooming house shall permit a Boarding, Lodging or Rooming house to be inspected by an Authorized Official at any reasonable time.

3.0 Administration

3.1 Investigation – Reports as Necessary

Upon the receipt of an application for a Licence, or the renewal Licence, the Township shall make or cause to be made all investigations deemed necessary relative to the application.

3.2 Revocation of Licence

The Township may revoke a Licence where the Owner or Licencee has been convicted of any offence under this By-law.

3.3 Revocation of Licence – Hearing

If the Township refuses to grant or renew a Licence or revokes a Licence, the applicant or Licencee shall have the right to a hearing by Council which, after due consideration of the application and hearing such representations as the applicant may care to make, may direct the issuance or renewal of the Licence, refuse the application or revoke the licence.

3.4 Application of Statutory Powers Procedure Act

The hearing held under this By-law shall be held in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22, as amended.

3.5 Decision of Council Final

Upon conclusion of a hearing, Council shall, as soon as practicable, dispose of the matter which was the subject of the hearing by doing any act or making any decision and such decision shall be final.

4.0 All Boarding, Lodging or Rooming houses.

4.1 Requirements for Written Application

Every application for a Business Licence to operate a Boarding, Lodging or Rooming house shall be in writing and shall set forth the following:

For every Boarding, Lodging or Rooming house:

- a. The name, address, email address and telephone number of the Owner and applicant;
- b. If the applicant is a registered partnership or a sole proprietorship, a copy of a current Business Name Search and the names, addresses and telephone numbers of persons associated with the partnership;
- c. If the applicant is a corporation, a copy of the current Certificate of Status and a Corporate Profile report which indicate the location of the corporation's head office, the names, addresses and telephone numbers of all directors of the corporation and confirms that the corporation is active;
- d. The name, email address and telephone number of the resident manager, if applicable;
- e. The municipal address of the Boarding, Lodging or Rooming house;
- f. The number of Tenants;

- g. The number of Bedrooms available for Tenants;
- h. The number of bath tubs or showers, washbasins, water closets, sinks and laundry tubs in the Boarding, Lodging or Rooming house;
- i. A site plan, drawn to scale, completed to the satisfaction of the Township, showing the dimensions of all the buildings on the lot, parking and amenity space;
- j. A floor plan, drawn to scale, of the entire Boarding, Lodging or Rooming house showing the use and dimensions of all rooms. Each Bedroom shall meet the minimum area requirements of the Building Code per occupant;
- k. Written confirmation from the Township's Building and Planning Department in the form of a letter or email confirming the property's zoning and that there are no outstanding work orders or building permits;
- l. Written confirmation from the Township's Building and Planning Department in the form of a letter or email confirming that there are no outstanding orders under the Township's Property Standards By-law;
- m. Such other information as from time to time may be required by an Authorized Official; and
- n. A signed and completed Annual Self-Attestation Form;
- o. A site plan, drawn to scale, completed to the satisfaction of the Township, showing the dimensions of all the motor vehicle parking spaces required in accordance with the Township's current Zoning By-law, as amended, or satisfactory evidence that the parking requirements for the Property enjoy legal non-complying status;
- p. Written confirmation from the Fire Prevention Officer in the form of a letter or email confirming that the Boarding, Lodging or Rooming house meets the minimum requirements of the Fire Code;
- q. Proof, satisfactory to the Fire Prevention Officer, that the furnace in a Boarding, Lodging or Rooming house, being a fuel burning appliance, has been inspected within the preceding 12-months;
- r. Proof, satisfactory to the Township, that the Boarding, Lodging or Rooming house has passed its Initial Inspection, Renewal Inspection or Follow-up Inspection.

4.2 Rooms – Permanently Numbered

Each Bedroom within a Boarding, Lodging or Rooming house shall have a number or letter permanently attached to or painted on the entrance door to the Bedroom which:

- a. is at least 50 mm in height;
- b. contrasts with the background upon which is attached or painted; and
- c. is wholly located within the top 300 mm of the door.

5.0 Specific Offence Provisions

5.1 Every Owner who operates a Boarding, Lodging or Rooming house without having first obtained a Business Licence is, upon conviction, guilty of an offence.

5.2 Every Owner who fails to post his/her Business Licence in accordance with the requirements of this By-law is, upon conviction, guilty of an offence.

5.3 Every Owner who posts a Business Licence which has expired or which has been revoked is, upon conviction, guilty of an offence.

5.4 Every Owner who produces for inspection a Business Licence which has expired or which has been revoked is, upon conviction, guilty of an offence.

5.5 Any Owner or Tenant who interferes with an Initial Inspection, a Follow-up Inspection, or a Renewal Inspection, being carried out under this By-law is, upon conviction, guilty of an offence.

5.6 Every Owner or Tenant who permits a room within a Boarding, Lodging or Rooming house to be used as a Bedroom when such room was not depicted as a Bedroom on the floor plan submitted to the Township is, upon conviction, guilty of an offence.

5.7 Every Owner or Tenant who permits a room within a Boarding, Lodging or Rooming house to be used as a Bedroom when such room does not meet the minimum requirements contained within the Building Code is, upon conviction, guilty of an offence.

5.8 Every Owner who submits to the Township an Annual Self-Attestation Form which contains false information is, upon conviction, guilty of an offence.

6.0 General Offence Provision

6.1 Unless otherwise specifically provided for in this By-law, any person who contravenes this By-law is guilty of an offence and, upon conviction, is liable to a penalty provided for in the Provincial Offences Act or, to payment of a Set Fine, as set-out on Schedule A attached hereto and forming part of this By-law.

7.0 Non-Application of this By-law

7.1 This By-law does not apply to any Dwelling Unit containing fewer than 4 Bedrooms.

7.2 This By-law does not apply to any of a: Bed & Breakfast Establishment, Group Home, Hotel or Motel as defined in the Township's Zoning By-law No. 2009-021, as amended.

8.0 Implementation Provisions

8.1 Notwithstanding Article 2.4 above, an Owner may obtain an initial Business Licence at no cost that will expire on April 30th, 2022 for each Boarding, Lodging or Rooming house.

8.2 During the period of a licence issued under Article 8.1 above the Authorized Officials will perform an Initial inspection of each Boarding, Lodging or Rooming house at no cost to the Owner.

8.3 Notwithstanding Article 8.2 above, if a Boarding, Lodging or Rooming house requires a Follow-up Inspection, the Owner will be required to pay the Follow-up Inspection Fee.

8.4 As of May 1st, 2022, every Owner of a Boarding, Lodging or Rooming house will be required to pay the applicable Fee(s) under the Township's current Tariff of Fees By-law to obtain a Business Licence.

9.0 Interpretation

9.1 References to the Property Standards By-law is to the Township's current Property Standards By-law, as amended.

9.2 Any reference to any By-law, Act or regulation, including the Building Code, the Fire Code and the Electrical Code, includes any amendments thereto and any replacement legislation thereto.

9.3 Certain words have be capitalized for convenience and whether a defined term or phrase appears in the body of this By-law as a capitalized term or in lower case lettering, the term or phrase shall have the meaning given to it in Article 1.

10.0 Enforcement

10.1 This By-law may be enforced by any Authorized Official.

10.2 That any person who contravenes any provision of this By-law will be responsible for the inspection fees or costs incurred by the Township related to the administration and enforcement of this By-law in accordance with the Township's current Tariff of Fees By-law.

10.2 Under Sections 441 and 441.1 of the Municipal Act, 2001, S.O. 2001, c. 25, Section 2, as amended, the Township's treasurer may add any part of an unpaid fine to the tax roll for any property in the Township which the Owner or person is responsible for paying and collect it in the same manner as municipal taxes.

11.0 Short Title

11.1 This By-law may be referred to as the Licenced Boarding, Lodging or Rooming house By-law.

12.0 Coming in Effect

12.1 This By-law comes into effect on the date it receives third reading.

Read a first, second and third time and finally passed this 21st day of September A.D., 2021.

Mayor Andy Mitchell

Angela Chittick, Clerk

Corporate Seal

Schedule A – Set Fines

Offence	Offence Provision	Set Fine
Did fail to have a number	Article 4.2	\$75.00/Bedroom

or letter permanently attached to or painted on the entrance door to a Bedroom.		
Did operate a Boarding, lodging or rooming house without a Business Licence.	Article 5.1	\$600.00 * amended as per By-law 2021-083
Did fail to post the Business Licence in accordance with the requirements of By-law 17-058.	Article 5.2	\$75.00
Did post a Business Licence which has expired or which has been revoked.	Article 5.3	\$250.00
Did produce for inspection a Business Licence which had expired or which had been revoked.	Article 5.4	\$250.00
Did interfere with an inspection of a Boarding, lodging or rooming house.	Article 5.5	\$500.00
Did permit a room not depicted as a Bedroom on the floor plan submitted to the Clerk, to be used as a Bedroom.	Article 5.6	\$500.00
Did permit a room to be used as a Bedroom when such Bedroom did not meet the minimum requirements contained within the Building Code.	Article 5.7	\$500.00