

**THE CORPORATION OF THE TOWNSHIP OF BALDWIN
BY-LAW NO. 2024-007**



**BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN
SHORT-TERM RENTALS IN THE CORPORATION OF THE
TOWNSHIP OF BALDWIN**

WHEREAS the Council of The Corporation of the Township of Baldwin deems it desirable to licence, regulate and govern short-term rentals as defined in this By-law;

AND WHEREAS the Council for the Corporation of the Township of Baldwin considers it necessary and desirable for the public to regulate the short-term renting of premises for the purpose of protecting long-term housing availability and the health and safety of the persons residing in rental premises by ensuring that certain regulations are met and that the required essentials such as plumbing, heating and water are provided, and to ensure that the rental premises does not create a nuisance to the surrounding properties and neighbourhood and to protect the amenity, character and stability of the area;

AND WHEREAS section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 8 of the Municipal Act, 2001 provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS section 10(2) of the Municipal Act, 2001 provides that a single-tier municipality may pass by-laws respecting business licensing;

AND WHEREAS section 128 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 151 of the Municipal Act, 2001 provides that a municipality may provide for a system of licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and 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 436 of the Municipal Act, 2001 permits a municipality 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 compliance with a by-law direction, order or licence;

AND WHEREAS Section 444 of the Municipal Act, 2001 provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the

by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS section 391(1) of the Municipal Act, 2001 provides that a municipality may impose fees or charges on persons:

- a) for services and activities provided or done by or on behalf of it; and
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

NOW THEREFORE BE IT RESOLVED That the Council of the Corporation of the Township of Baldwin hereby enacts as follows:

Part 1 – Interpretation and Application

1.1 Short Title

- 1.1.1 This By-law may be referred to as “The Short-Term Rental By-law”.

1.2 Application

- 1.2.1 This By-law shall apply to all buildings within the geographic limits of the Corporation of the Township of Baldwin for the purposes of the business or occupation of providing short-term rentals.
- 1.2.2 Notwithstanding section 1.2.1 the requirements of this By-law do not apply to a bed and breakfast, camping establishment, hotel.

1.3 Reference Aids

- 1.3.1 The headings and subheadings used in this By-law are inserted for convenience of reference only and do not form part of the By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

1.4 Severability

- 1.4.1 If any provision or part of a provision of this By-law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.5 Compliance with Legislation

- 1.5.1 Nothing in this By-law relieves any person from complying with any provision of any federal or provincial legislation, or any other by-law of the Corporation of the Township of Baldwin and, without limiting the generality of the foregoing, this includes the Municipal Act, 2001.

1.6 Conflict

- 1.6.1 If a provision of this By-law is in conflict with a provision of any applicable act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall apply.

1.7 Schedules

1.7.1 The Schedules referred to in this By-law form an integral part of this By-law.

1.8 Delegation

1.8.1 The administration of this By-law is hereby delegated to the By-Law Enforcement Officer.

1.9 Definitions

1.9.1 Definitions in the Building Code Act, 1992, S.O. 1992, c. 23 and the Building Code, O. Reg. 332/12 shall apply with respect to matters pertaining to buildings unless otherwise defined in this By-law. In addition, the following definitions shall apply in this By-law.

“Agent” means a person duly appointed by an owner or the Corporation of the Township of Baldwin to act on their behalf, who shall be at least 18 years of age.

“Applicant” means the person applying for a licence or renewal of a licence under this By-law.

“Bed and Breakfast” means a bed and breakfast as defined in Zoning By-law 2021-P-001 or any successor by-law thereto.

“Boarding, Lodging or Rooming House” means a boarding, lodging or rooming house as defined in Zoning By-law 2021-P-001 or any successor by-law thereto.

“Camping Establishment” means camping establishment as defined in Zoning By-law 2021-P-001 or any successor by-law thereto.

“Township” means The Corporation of the Township of Baldwin or the area within the geographical limits of the Corporation of the Township of Baldwin, as the context requires.

“Corporation” means a body incorporated pursuant to the Business Corporations Act, R.S.O. 1990 c. B.16, or the Corporations Act, R.S.O. 1990, c. C.38.

“Dedicated Responsible Person” means the owner or agent assigned by the owner or licensee of the short-term rental, who shall be at least 18 years of age, to ensure the short-term rental is operated in accordance with the provisions of this By-law, the licence and applicable laws.

“Dwelling” means dwelling as defined in Zoning By-law 2021-P-001 or any successor by-law thereto.

“Dwelling Unit” means dwelling unit as defined in Zoning By-law 2021-P-001 or any successor by-law thereto.

“Entire Unit Rental” means a short-term rental in which the renter occupies an entire dwelling unit.

“Guest Room” means a room within a dwelling, offered for short-term rental intended primarily for overnight occupation.

“Guest” means a consumer of short-term rental services.

“Hotel” means a hotel as defined in Zoning By-law 2021-P-001 or any successor by-law thereto.

“**Licence**” means the licence issued under this By-law as proof of licencing under this By-law.

“**Licensee**” means a person who holds a licence or is required to hold a licence under this By-law.

“**Licence Class**” means the classification of a short-term rental.

“**Licence Issuer**” means any person or persons provided the authority by the Corporation of the Township of Baldwin to issue a licence under this By-law.

“**Listing**” means any individual short-term rental advertised on an online platform.

“**Noise By-law**” means the Corporation of the Township of Baldwin By-law to Control Noise No. 2023-003 or any successor by-law thereto.

“**Non-Principal Dwelling Unit Short-Term Rental**” means a short-term rental that is not someone’s principal dwelling unit (where they do not live primarily).

“**Occupant**” means any person or persons over the age of 18 years occupying a lot.

“**Officer**” means a Building Inspector or Municipal Law Enforcement Officer for the Corporation of the Township of Baldwin.

“**Operator**” means any person who operates a short-term rental.

“**Overcrowding**” means occupancy of a premises in excess of the maximum permitted by a licence issued under this By-law.

“**Owner**” means the person holding title to the property on which the short-term rental is located, and “ownership” has a corresponding meaning.

“**Partial Unit Rental**” means a short-term rental in which the renter occupies a part of the dwelling unit only.

“**Person**” means an individual, a corporation, a partnership, or an association, and includes a licensee or an applicant for a licence under this By-law as the context requires.

“**Platform**” means an online matching and/or payment processing platform for transactions between short-term rental operators and guests.

“**Premises**” means the property upon which a short-term rental is operated, inclusive of buildings or structures or any part thereof used for such purposes.

“**Principal Dwelling Unit**” means a person's permanent lodging place to which, whenever absent they intend to return.

“**Principal Dwelling Unit Short-Term Rental**” means a short-term rental which is also someone’s principal dwelling unit (where they live primarily).

“**Property**” means the land upon which a short-term rental is operated, exclusive of buildings or structures or any part thereof.

“**Property Standards By-law**” means the Corporation of the Township of Baldwin Property Standards By-law No. 2023-009 or any successor by-law thereto.

“**Short-Term Rental**” means all or part of a dwelling unit used to provide sleeping accommodations for any rental period that is less than 28 days in exchange for payment. Short-term rental uses shall not mean or include a bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, motel, resort, or similar commercial or institutional use.

“**Short-Term Rental Code of Conduct**” means a document that has been prepared by the Township that prescribes the roles and responsibilities of the guest and owner/operator, including but not limited to: behavioral expectations as they relate to

non-disturbance of neighbours; compliance with applicable Township by-laws, and adherence to the provisions of this By-law.

"User Fees By-law" means the Corporation of the Township of Baldwin User Fees By-law No. 2023-17 or any successor by-law thereto.

"Zoning By-law" means The Corporation of the Township of Baldwin Zoning By-Law No. 2021-P-001 being a By-law to regulate the use of land, and the character, location and use of the buildings and structures in the Corporation of the Township of Baldwin, or any successor by-law thereto.

Part 2 – Regulations

2.1 Prohibitions

- 2.1.1 No person shall use or operate any short-term rental premises unless they hold a current and valid licence issued pursuant to this By-law.
- 2.1.2 No person shall advertise or operate or permit the advertisement or operation of a short-term rental without a licence.
- 2.1.3 No person shall publish or display, or cause to be published or displayed, any representation that a premises is licenced under this By-law, or hold a premises out as being licenced under this By-Law, if the premises is not so licenced.
- 2.1.4 No person shall alter a licence issued under this By-law in any fashion.
- 2.1.5 No person shall use or operate any short-term rental premises for any commercial activity other than the operation as a short-term rental.
- 2.1.6 No person shall provide false or incorrect information in an application for a short-term rental licence.
- 2.1.7 No person shall permit a premises under their ownership or care and control to be operated in contravention of a licence issued under this By-law.
- 2.1.8 Without limiting the generality of section 2.1.7 above, no person shall allow a premises under their ownership or care and control to be operated in contravention of the site plan and floor plan that has been approved by the Licence Issuer pursuant to a licence issued under this By-law.
- 2.1.9 Without limiting the generality of section 2.1.7 above, no person shall rent any guest room in a short-term rental dwelling unit other than a guest room that was identified and approved with the application for the short-term rental licence.
- 2.1.10 Without limiting the generality of section 2.1.7 above, no person shall cause, permit or contribute to overcrowding in a short-term rental.
- 2.1.11 No person shall violate the provisions of the Short-Term Rental Code of Conduct.
- 2.1.12 No guest shall remove the list of information required to be posted pursuant to section 2.2.7 or the information package required to be provided pursuant to section 2.2.8.

2.2 General Provisions

- 2.2.1 Any person who operates a short-term rental shall comply with the provisions of this By-law, as well as with all applicable municipal by-laws and provincial and federal legislation.
- 2.2.2 The owner and operator of a short-term rental shall restrict the occupancy of the premises to a total maximum of 10 persons or less, as set out in the licence for the premises. All occupants of a short-term rental shall be counted in calculating

occupancy 2 persons per guest room and a maximum of 5 guest rooms is permitted.

- 2.2.3 The owner and operator of a short-term rental shall maintain a minimum of two million dollars of commercial general liability insurance per occurrence on the premises, which shall be specific to the operation of the short-term rental.
- 2.2.4 Any lapse in maintaining the insurance coverage required by section 2.2.3 above invalidates a licence issued under this By-law. An owner or operator whose insurance coverage lapses must reapply for a licence to operate the short-term rental.
- 2.2.5 The owner and operator of a short-term rental shall provide parking on the site in accordance with the parking requirements for the applicable zone and permitted use within the Zoning By-law. The applicant will be required to clearly indicate where parking spaces are to be located on an approved site plan. The owner shall not encourage renters to park at the boat launch and shall limit the amount of parking as such.
- 2.2.6 The owner and operator of a short-term rental shall ensure that parking is only permitted in a parking area consisting of a hard-surfaced material (concrete, interlock brick, permeable pavers, asphalt, crushed stone or other hard surface or dustless materials).
- 2.2.7 The owner and operator of a short-term rental shall ensure that the following information is posted on the interior of each short-term rental premises, within a maximum of 1m from the main entrance, is clearly visible to guests and is made available for inspection:
 - a) copy of current licence;
 - b) address of the short-term rental premises;
 - c) name of short-term rental premises owner or agent;
 - d) name, address, phone number and email address of the dedicated responsible person; and
 - e) Emergency Services Statement, only applicable if the type of access to the short-term rental premises is not a year-round maintained public road. If this is applicable, the following statement must be posted within a maximum distance of 1m from the main entrance: "Due to this short-term rental premises not being accessible by a year-round maintained public road, emergency response times may be delayed to this location in the event of an emergency."
- 2.2.8 The owner and operator of a short-term rental shall ensure that an information package is available for guests containing the following:
 - a) copy of approved site plan and floor plan;
 - b) Short-term Rental Code of Conduct as prepared by the Township; and
 - c) quick reference guide for applicable by-laws as prepared by the Township.
- 2.2.9 A person who posts a short-term rental listing on a short-term rental platform shall include the licence number as set out on the licence issued under this By-law.
- 2.2.10 An owner, agent or dedicated responsible person shall respond to phone calls and/or emails within 30 minutes and attend the short-term rental premises within 120 minutes to an emergency or contravention of any Corporation of the Township of Baldwin by-law.
- 2.2.11 Where a licence is issued under this By-law, the application for licence and issued licence, along with the legal description of the property, civic address, and

names and contact information of the associated owner, and/or authorized agent and/or dedicated responsible person will be posted on the Corporation of the Township of Baldwin's website.

2.2.12 Garbage disposal is the responsibility of the owner, all welcome packages should list the location of a secure storage area that will prevent access by wildlife or vermin.

2.2.13 The provisions of this By-law shall not apply when the short-term rental is not being rented and is not being offered for rent.

2.2.14 In any event of a complaint, residents are to call the short-term rental owner with the information posted on the website baldwin.ca or call the by-law officer directly at 1-888-836-6661.

Part 3 – Licence Class

3.1 Licence Class

3.1.1 Class A - Principal Dwelling Unit Short-Term Rental (Partial Unit Rental)

(a) A Class A Principal Dwelling Unit Short-Term Rental (Partial Unit Rental) shall be permitted within zone R4 only.

(b) A Class A Principal Dwelling Unit Short-Term Rental (Partial Unit Rental) shall be permitted to be rented for a maximum of 28 days.

(c) The Class A Licence shall be the owner's principal dwelling unit.

3.1.2 Class B – Principal Dwelling Unit Short-Term Rental (Entire Unit Rental)

(a) A Class B – Principal Dwelling Unit Short-Term Rental (Entire Unit Rental) shall be permitted within zone R4 only.

(b) A Class B – Principal Dwelling Unit Short-Term Rental (Entire Unit Rental) shall be permitted to be rented for a maximum of 28 days.

(c) The Class B Licence shall be the owner's principal dwelling unit.

3.1.3 Class C – Non-Principal Dwelling Unit Short-Term Rental

(a) A Class C Non-Principal Dwelling Unit Short-Term Rental shall be permitted within zone R4 only.

(b) A Class C Non-Principal Dwelling Unit Short-Term Rental shall be permitted to be rented for a maximum of 28 days.

(c) The Class C Licence shall not be the owner's principal dwelling unit.

Part 4 – Licensing Requirements

4.1 Licence Application Requirements

4.1.1 Every application for a new licence, or the renewal of an existing licence, shall include:

(a) a completed application in the form required by the Corporation of the Township of Baldwin;

(b) the following documents:

i. site plan of the premises;

ii. a completed Dedicated Responsible Person Consent and Acknowledgment Form on a form as prepared by the Township; and

iii. Any other documents as determined by the Township.

- (c) proof that the applicant is at least 21 years of age (in the form of government identification), if the applicant is an individual;
- (d) name and contact information of the owner, agent or dedicated responsible person who can be readily contacted and respond to an emergency or contravention of any Corporation of the Township of Baldwin By-law, including attendance on site of the short-term rental premises within 120 minutes of being notified of the occurrence;
- (e) certificate of insurance demonstrating compliance with the insurance requirements set out in section 2.2.3 of this By-law, including but not limited to the fact that the premises is insured as a short-term rental;
- (f) proof that the applicant, if a corporation, is legally entitled to conduct business in Ontario, including but not limited to:
 - i. articles of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and
 - ii. a list containing the names of all shareholders of the corporation;
- (g) in the case of an applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
- (h) in the case of an applicant or agent acting on behalf of the owner, an owner's written authorization is required;
- (i) for any short-term rental on a septic system, the applicant will be required to provide proof of septic pumping and its capacity that will support the short-term rental premises;
- (j) for any short-term rental with an outhouse, the applicant will be required to provide proof of an approved permit per the Ontario Building Code, section 8.3.3.1 that will support the short-term rental premises and a grey water pit has to be approved by the Sudbury District Public Health unit to accommodate showers, sink and kitchen.

4.1.2 Other Requirements:

- (a) The licensee shall inform the Township in writing of any changes to the approved information contained within the licence application or any deviation to the approved plans within seven days of such change or deviation. Nothing herein authorizes a licensee to have guest rooms other than those identified on the application for a licence and approved by the Township in the licence.

4.2 Licence Issuer – Responsibilities

- 4.2.1 Upon receipt of an application for a licence the Licence Issuer shall receive and review the application and any accompanying documents for completeness.
- 4.2.2 The determination of whether a licence application is complete in accordance with this By-law shall be within the discretion of the Licence Issuer.
- 4.2.3 Upon determination by the Licence Issuer that information requirements and all regulatory and by-law requirements of the Township are met, a licence shall be issued.
- 4.2.4 In addition to any terms and conditions of a licence imposed by this By-law, the Licence Issuer may impose additional terms and conditions as are necessary in their discretion.

4.3 Licence – Validity, Expiry, Suspension & Revocation

- 4.3.1 A licence issued pursuant to the provisions of this By-law shall expire one year from the date it was issued unless it is revoked in accordance with any provisions of this By-law.
- 4.3.2 A short-term rental licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
- a) the date that is one year after the date of the issuance of the licence; or
 - b) upon the sale of the short-term rental premises.
- 4.3.3 A demerit point system is hereby established for short-term rental licences and demerit points shall be administered in accordance with Schedule 'A'.
- 4.3.4 The Licence Issuer may refuse to issue or renew a licence or revoke or suspend a licence, as per Schedule 'A' of this By-law, or where:
- a) there are reasonable grounds for belief that the operation of a short-term rental at a specific premises may be adverse to the public interest;
 - b) a premises or applicant has had a licence that has been previously revoked, suspended, or made subject to terms and conditions;
 - c) a premises or applicant applying for a licence has presented a history of contravention of this By-law, or other Corporation of the Township of Baldwin by-laws;
 - d) the Short-Term Rental Code of Conduct has been violated at this premises;
 - e) the septic system requirements are not met;
 - f) the proposed use of the premises is not permitted by the Zoning By-law;
 - g) the owner is indebted to the Corporation of the Township of Baldwin in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes and late payment charges, against an owner's property; or
 - h) the property does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, 1992, or the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4.
- 4.3.5 Short-Term Rental Licences are limited and are on a first come, first served basis. The Township of Baldwin allots 15 licences per year;
- 4.3.6 On any given road or street, side by side/adjacent short-term rentals are not permitted, furthermore there cannot be short-term rentals on both sides of a property.

Part 5 – Fees and Cost Recovery

5.1 Fees

- 5.1.1 Fees shall be levied in accordance with Schedule "B" attached.
- 5.1.2 Where an Officer conducts an inspection and determines that a short-term rental is not in compliance with this By-law, the Officer may impose an inspection fee in accordance with the User Fees By-law.
- 5.1.3 Every owner shall pay the fees as set out in Schedule "B" which becomes due and payable upon written notification by an Officer, or upon issuance of an invoice by the Township.

- 5.1.4 Payments received by the Township on the 31st day or later after the date of being requested, shall be subject to an “administrative fee” as set out in Schedule “B” and Demerit Points as per the Demerit Point System as set out in Schedule “A” attached.
- 5.1.5 Where an owner is in default of payment of fees for more than 30 calendar days after due, the Township may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

Part 6 - Appeals

6.1 Appeals

- 6.1.1 Where the Licence Issuer has refused to issue or renew a licence under section 4.3.4 of this By-law the applicant may appeal such decision to the Short-Term Rental Committee through a letter of appeal to the By-Law Enforcement Officer within ten days of the decision.
- 6.1.2 The appeal under section 6.1.1 of this By-law shall contain the following information:
- a) reasons for the appeal; and
 - b) Order Appeal Fee as provided in the User Fees By-law.
- 6.1.3 Where no request for an appeal is received in accordance with section 6.1.1 of this By-law, the decision of the Licence Issuer shall be final and binding.
- 6.1.4 Where a request for an appeal is received, in accordance with section 6.1.1 of this By-law, a meeting will be scheduled with the Short-Term Rental Committee for the purpose of holding a hearing of the appeal, and the applicant or licensee shall be provided reasonable written notice thereof.
- 6.1.5 If the owner/agent fails to appear at the appointed time for their appeal hearing, the licensee will be charged a “Failure to Appear” fee in accordance with the Schedule “B”
- 6.1.6 After such opportunity to be heard is afforded to the person, the Short-Term Rental Committee shall make a decision. When making its decision; the Committee may consider any matter pertaining to this By-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, the Committee may refuse to issue or renew a licence, revoke, suspend, or impose any condition to a licence.
- 6.1.7 The Committee’s decision is final and binding and shall not be subject to review.

Part 7 – Inspection and Enforcement

7.1 Authority to Enforce

- 7.1.1 This By-law may be enforced by an Officer.

7.2 Inspection – At Any Reasonable Time

- 7.2.1 Every Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) the provisions of this By-law;
 - b) a direction or order of the Township made under this By-law;

- c) a condition of a licence passed under this By-law; and
 - d) a court order made pursuant to section 431 of the Municipal Act, 2001 and section 7.5.6 of this By-law.
- 7.2.2 A person exercising a power of entry on behalf of a municipality under this By-law shall not enter or remain in any room or place actually being used as a dwelling unless:
- a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438 of the Municipal Act, 2001, or a warrant issued under section 439 of the Municipal Act, 2001;
 - b) an order issued under section 438 of the Municipal Act, 2001 is obtained;
 - c) a warrant issued under section 439 of the Municipal Act, 2001 is obtained; or
 - d) the delay necessary to obtain an order or warrant under section 438 or 439 of the Municipal Act, 2001, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person.
- 7.2.3 The Township's power of entry may be exercised by an Officer, or agent for the Township and this person may be accompanied by any person under their direction, including law enforcement services.
- 7.2.4 During any inspection carried out under this By-law, an Officer may be accompanied by other Corporation of the Township of Baldwin employees, agents or authorities as deemed necessary.

7.3 Obstruction

- 7.3.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.
- 7.3.2 Any person who is alleged to have contravened any provision of this By-law shall identify himself or herself to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the officer in the execution the Officer's duties.

7.4 Orders

- 7.4.1 An Officer who finds that a property does not conform with any of the provisions of this By-law may make an Order:
 - a) stating the municipal address or the legal description of the property;
 - b) giving reasonable particulars of the activity to be discontinued;
 - c) indicating the time for complying with the terms and conditions of the Order; and
 - d) indicating the final date for giving notice of appeal from the Order.
- 7.4.2 An Order shall be served on the owner of the property and such other persons affected by it, as an Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.

7.5 Offence and Penalty

- 7.5.1 A person who fails to comply with any provision of this By-law is guilty of an offence as provided for in the Municipal Act, 2001, S.O. 2001, c.25., as amended or any successor thereof.
- 7.5.2 A person who fails to comply with section 2.1.1 of this By-law is guilty of a continuing offence as provided for in the Municipal Act, 2001, S.O. 2001, c.25., as amended or any successor thereof.
- 7.5.3 A person who fails to comply with an Order issued under this By-law is guilty of a continuing offence as provided for in the Municipal Act, 2001, S.O. 2001, c.25., as amended or any successor thereof.
- 7.5.4 A person who is convicted of an offence under this By-law is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence as provided for in the Municipal Act, 2001, S.O. 2001, c.25., as amended or any successor thereof.
- 7.5.5 Notwithstanding section 7.5.4 of this By-law, a person who is convicted of a continuing offence under this By-law is liable to a fine of not more than \$10,000 for each day or part of a day that the offence continues and, notwithstanding section 7.5.4 of this By-law, the total of all daily fines for the offence is not limited to \$100,000 as provided for in the Municipal Act, 2001, S.O. 2001, c.25., as amended or any successor thereof.
- 7.5.6 If a provision of this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted as provided for in the Municipal Act, 2001, S.O. 2001, c.25., as amended or any successor thereof.

Part 8 – Coming Into Force

8.1 Coming Into Force

8.1.1 This By-law shall come into force and effect upon:

- (a) June 10, 2024

READ A FIRST, SECOND AND THIRD TIME AND FINAL PASSED ON THIS 10TH DAY OF JUNE 2024.

Mayor

Clerk

Schedule 'A' – Demerit Point System

Item	Section	Short Form Wording	Demerit Points
1	2.2.2	Number of guests on premises contrary to requirements of Zoning By-law	1
2	2.2.5	Parking contrary to requirements of Zoning By-law	1
3	2.2.7	Failure to post required information on the interior of the short-term rental premises	1
4	2.2.10	Failure to respond to a concern or attend the premises, when required, within the 60 minutes	1
5	5.1.3	Failure to pay fees within the prescribed timelines	1
6	4.1.2.1	Failure to notify of any licence change (s) within 7 days	1
7	2.1.1	Operating short-term rental without a licence	1
8	2.1.2	Advertising short-term rental without a licence	1
9	2.1.5	Operating a short-term rental for any commercial activity other than that of a short-term rental	1
10	2.1.6	Providing false information on short-term rental application	1
11	2.1.7	Operating short-term rental contrary to licence class	1
12	2.1.9	Renting guest rooms contrary to approved licence	1
13	2.1.11	Violation of the Short-Term Rental Code of Conduct	1
14	7.3	Hindering or obstructing an Officer while on duty	1
15	2.2.7	Removal of required posted information on the interior of the short-term rental premises	1
16	2.2.8	Failure to make available the required information package for guests	1
17	7.5.3	Contravention of any order	1

Please note the following:

1. A short-term rental licence shall be suspended for a period of one year when three demerit points or confirmed violations are determined within one year.
2. A short-term rental licence is revoked when one additional demerit point or confirmed violation is received within one year of the licence suspension date.

Action	Offence	Time	Remedy to Renew Licence
Suspend Licence	Three confirmed by-law violations or order on one short-term rental property	1 Year	One year by-law violation-free from the date of the last offence, on this property owned by same owner upon payment of the re-instatement fee.
	Three demerit points confirmed on one short-term rental property		One year violation, order, and demerit point-free on the same property upon payment of the re-instatement fee.
	Three demerit points confirmed on one short-term rental owner (for short-term rental operators with multiple short-term rentals)		One year violation, order, and demerit point-free for the same owner on the property upon payment of the re-instatement fee.
Revoked Licence	One additional confirmed by-law violation or order on a property under short-term rental suspension	Permanent	None
	One demerit points confirmed against a property while on short-term rental suspension		

Schedule 'B' – Fees

Financial/Legal Implications

To offset the cost of providing services, municipalities have the authority under Section 391(1) of the Municipal Act to impose a fee or charge on individuals. In most cases an individual receives a direct benefit from a service however in the case of the aforementioned by-laws the imposed fee or charge is to gain compliance. Increasingly municipalities are looking at user fees to help offset the impact of municipal services on property taxes.

The Municipal Act and case law requires that there be a nexus or connection between the fee charged and the costs incurred so that the fee is revenue neutral (over the long term). In situations in which there is also a community benefit associated with providing the service, the fee charged may be less than the full cost recovery rate and a portion of the cost is funded by the general tax levy.

With the introduction of the Short-Term Rental By-law staff have a detailed costing analysis to determine the full cost of providing and upholding the by- law. The full cost recovery rates were then used as a benchmark against which new fees were established.

Description	Fee
Application Fee* – Class A (Principal Dwelling – Partial Unit Rental)	\$500.00
Application Renewal Fee* – Class A	\$250.00
Application Fee* – Class B (Principal Dwelling – Entire Unit Rental)	\$600.00
Application Renewal Fee* – Class B	\$300.00
Application Fee* – Class C (Non-Principal Dwelling – Entire Unit Rental)	\$700.00
Application Renewal Fee* – Class C	\$350.00
Appeal Fee	\$500.00
Stand by Fee**	\$50 per hr
Failure to Appear	\$100.00

*Application Fee & Application Renewal Fee includes tasks that are defined for the average application which includes such tasks as: receipt of application, review, processing, inspections, notices, orders, monitoring, communications, and inspections

**Stand by fee is intended to be charged for the actual time spent in organizing, documenting and supervising work outside of the standard fees.

Schedule 'C' – Short-Term Rental Licence Application Form

**THE CORPORATION OF THE TOWNSHIP OF BALDWIN
SHORT-TERM RENTAL LICENCE APPLICATION FORM**

PROPERTY INFORMATION (PROPERTY TO BE LICENCED)

Short-Term Rental Address: _____
(IF DIFFERENT FROM APPLICANT) _____
Owner's Name: _____
Applicant's Address: _____
Telephone Number: _____
Email Address: _____

AGENT (IF DIFFERENT THAN OWNER)

Responsible Person's Name: _____
Relationship: _____
Agent's Address: _____
Telephone Number: _____
Email Address: _____

PURPOSE OF APPLICATION

New Short-Term Rental Licence ____ Licence Renewal ____

PREMISES DETAILS

Current Use of Premises: _____
Number of Bedrooms: _____
Total Maximum Occupant Load: _____

ATTACHMENTS (THE FOLLOWING MUST ACCOMPANY THE APPLICATION)

- i. Copy of proof of ownership
- ii. Copy of the Liability Insurance of not less than \$2 million per occurrence for property damage and bodily injury.
- iii. Site Plan of the premises including Accessory Buildings, Recreational Buildings, Parking and garbage storage location.
- iv. Evidence from a Licenced septic removal operator of the septic tank being pumped out and inspected within the last three years.
- v. Outhouse built in compliance with section 8.3.3.1 of the Ontario Building Code.
- vi. Approved grey water pit from the Sudbury District Public Health Unit

***Disclaimer: The Township of Baldwin will not be held responsible against claims, demands, losses, costs, damages, actions, suits, proceedings, or injuries that arise out of or from structural defects.**

DECLARATION OF APPLICANT

I certify that: The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.

Signature of Applicant: _____ Date: _____

Schedule 'D' – Renters Code of Conduct

RENTERS CODE OF CONDUCT

(As enacted by the Township of Baldwin)

PREMISE OF THIS CODE

The premise of this Code is that Short-Term Rentals are located in the vicinity of other properties and that the residents/occupants of these properties have the right to enjoy their properties without being imposed upon by nuisance from others.

OBJECTIVES OF THIS CODE

The objective of this Code is to establish acceptable standards of behavior for renters and their guests, and to minimize any adverse social or environmental impacts on their neighbors and neighborhood; and the Renter acknowledges for themselves and on the behalf of others that they will be occupying a short-term rentals in an area where others reside on a full-time basis.

GUIDING PRINCIPLES

The Guiding Principles for short term renters are:

- The premise that you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbors; and,
- Leave it as you find it.

MAXIMUM NUMBER OF RENTERS AND GUESTS

The maximum number of occupants within a Short-Term Rental shall not exceed a total number of 10. But, in no case shall there be more than 2 occupants per bedroom.

NOISE AND RESIDENTIAL AMENITY

No person shall make noise so as to cause a disturbance or conduct themselves in an antisocial behaviour. Examples of noise that is deemed to be a disturbance include:

- a) Loud music;
- b) Outdoor Speakers;
- c) Outdoor or backyard gatherings involving excessive noise;
- d) Fireworks; (To be used only on New Years Eve and Canada Day- July 1st.)
- e) Late or early hour disturbances (Monday to Saturday between 11pm & 7am, no time of day on Sundays or Statutory Holidays);
- f) Exceeding occupancy limits; and,
- g) Yelling, shouting, chanting and loud conversations.

Please be advised that the Township of Baldwin Noise By-law 2023-003, is in effect 24 hours a day, 7 days a week.

Renters are not allowed to disturb neighbours or interfere with their enjoyment of their properties, or the public realm, at any time of the day or night. Failure to comply with the conditions of the Municipality's Noise By-law may result in the notification of the Ontario Provincial Police who may, upon attendance, issue a Notice of Offence, which carries with it a fine, upon conviction, for a first offence.

Bylaw Infractions will be assessed to the Person/Property Owner. Please enjoy your stay but have consideration for others.

FUNCTIONS AND PARTIES

Short term accommodation renters are not to host functions or parties as occupancy limits apply to the house and property in accordance with the licence.

ACCESS AND PARKING

Permitted parking should be the only area used for parking.

Schedule 'E' – Licence for Short Term Rentals

Front of Licence – Class A, B, C



**CLASS "C" LICENCE
SHORT TERM RENTAL LICENCE
(For Non-Principal Residence)**

Issued to: _____
(Name of Property Owner)

Address of Rental Property: _____

Date of Issue: _____ Expiry Date: _____

Issuer: _____

Issuer Signature: _____

New Licence: _____ Licence Renewal: _____

Licence #: _____

Licence Fee: _____
Licence Renewal Fee: _____
Licence Valid for 1 year from Date of Issue.



**CLASS "B" LICENCE
SHORT TERM RENTAL LICENCE
(For Principal (Non-Hosted) Residence)**

Issued to: _____
(Name of Property Owner)

Address of Rental Property: _____

Date of Issue: _____ Expiry Date: _____

Issuer: _____

Issuer Signature: _____

New Licence: _____ Licence Renewal: _____

Licence #: _____

Licence Fee: _____
Licence Renewal Fee: _____
Licence Valid for 1 year from Date of Issue.

Back of Licence

Terms of Licence	Licences Administrative Suspensions
<p>1) The issuing of this 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.</p> <p>2) A licensee shall notify the Township within seven (7) days of any changes to the:</p> <p>a) Ownership;</p> <p>b) a change in the Licensee's policy of liability insurance; and such changes shall be subject to submission of the necessary documentation to the Township.</p> <p>3) A Licensee shall be responsible for the act(s) and omission(s) of its representatives in the carrying on of the Short-Term Rental in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).</p> <p>4) Any records required by this By-law shall be produced by the Licensee upon request of an Officer or Licencer.</p>	<p>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.</p> <p>2) Before any suspension is imposed, the Township shall provide the Licensee with the reasons for the suspension, either orally or in writing.</p> <p>3) Any suspension imposed shall be effective immediately upon notification being given to the Licensee, and the Licensee having been given an opportunity to respond, and such suspension may be lifted at the discretion of the Township, upon receipt of the Licensee's response.</p>

Schedule 'F' – Provincial Offences Act; Set Fines Schedule

Item	Short Form Wording	Set Fine
1	Operate Short-Term Rental – not in accordance with conditions of by-law	\$500.00
2	Promote, advertise or offer a rental without a licence	\$700.00
3	Alter or modify a licence without notice	\$400.00
4	Use or attempt to use licence not issued to property address	\$400.00
5	Operate a Short-Term Rental with expired or without described insurance	\$400.00
6	Fail to post copy of Short-Term Rental Licence	\$200.00
7	Fail to post emergency exit diagram in rental unit	\$200.00
8	Failure to post Renters Code of Conduct	\$200.00
9	Allow more than the maximum number of guests in rental unit	\$300.00
10	Operate Short-Term Rental while licence is suspended	\$500.00
11	Operate more than one Short-Term Rental on a property	\$500.00
12	Use an accessory building or recreational vehicle as a Short-Term Rental unit	\$400.00
13	Allow renter to cause a nuisance	\$300.00
14	Allow event activities that contravene current by-law provisions	\$400.00
15	Hinder or obstruct an officer	\$400.00
16	Attempt to hinder or obstruct an officer	\$400.00

Note: The penalty provision for the offences indicated above is section 7.5 of the By-law 2024-007, a certified copy of which has been filed.

Schedule 'G' – Licence Inspection Checklist

The Corporation of the Township of Baldwin Short-Term Rental Licence Inspection Checklist

Property Address: _____
 Property Contact Name: _____
 Phone Number: _____
 Email Address: _____



Item	Item Inspected	Yes	No	N/A
1	Are there smoke alarms less than 10 years old and properly installed?			
2	Are carbon monoxide detectors less than 10 years old and properly installed?			
3	Are smoke alarms and carbon monoxide detectors operable?			
4	Is there a window egress from each room?			
5	Are exits clearly shown on emergency exit plan?			
6	Are there fire extinguishers provided?			
7	Is there a visible and unobstructed civic address sign at the property entrance and is the entrance into the property accessible by emergency vehicles?			
8	Are there handrails, guards, and secure landing for stairs?			
9	Is the property a single dwelling?			
10	Is there a visible "Potable water" posting at each sink?			
11	Is there documentation of the most recent septic pump-out?			
12	Are there locks on exterior doors?			
13	Is there adequate lighting in and outside?			
14	Is there emergency contact information for owners or identified contacts posted?			
15	Does the property have adequate parking for the maximum number of renters allowed?			
16	Does the property have adequate storage for trash generated by renters?			
17	Is there documentation of the approved grey water pit from the Sudbury District Public Health Unit?			
18	Is the outhouse in compliance with section 8.3.3.1 of the Ontario Building Code?			



****Disclaimer: The Township of Baldwin will not be held responsible against claims, demands, losses, costs, damages, actions, suits, or proceedings or injuries that arise out of or from structural defects that are not identified on the Inspection Checklists.***