

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2007-93

BEING A BY-LAW TO LICENSE, REGULATE AND GOVERN BED AND BREAKFAST ESTABLISHMENTS AND GUEST HOMES IN THE TOWNSHIP OF SEVERN

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 11.(3), provides that a municipality may pass By-laws with respect to business licensing;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 390., provides that a municipality may impose fees or charges on persons;

AND WHEREAS it is deemed expedient to license, regulate and govern bed and breakfast establishments and guest homes within the Township of Severn;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. Definitions

- 1.1 **“Bed & Breakfast Establishment”** or **“Guest Home”** shall mean an owner-occupied private residential dwelling that is the owner’s principal residence and in which the owner has control of the environment. The Bed & Breakfast provides temporary accommodation not exceeding 28 consecutive days and amenities and services auxiliary to guest accommodation including the preparation and service of breakfast for an all-inclusive fee. The dwelling shall contain at least one (1) bedroom for his/her exclusive use and containing at least two (2) or a maximum of three (3) accessory guests rooms for the purpose of supplying temporary living accommodation to the public, for a fee, or a bed and breakfast establishment or guest home legally established under the Township’s Zoning By-law. For the purposes of this definition an owner may be a corporation of not more than two (2) shareholders who reside therein as their principal residence.
- 1.3 **“Council”** shall mean the duly elected members of the Council of the Corporation of the Township of Severn.
- 1.4 **“Director of Planning & Development”** shall mean the Director of Planning & Development duly appointed by the Council of the Corporation of the Township of Severn.
- 1.5 **“Owner”** shall include the registered owner of a property, mortgagee in possession or person otherwise in charge of any property, acting as the authorized agent of the owner.
- 1.6 **“Single Detached Dwelling”** means a dwelling containing not more than one (1) dwelling unit.

2. General Provisions

- 2.1 No person shall use a building or operate as a bed and breakfast establishment or guest home unless they hold a valid license issued by the Township of Severn pursuant to this By-law.
- 2.2 No person shall operate or permit to operate a bed and breakfast establishment or guest home in a building with more rooms than is authorized by the Township of Severn and as shown on the valid license issued for the establishment.
- 2.3 Each owner of a bed and breakfast establishment or guest home shall apply to the Township of Severn before December 31st each year for an annual license.
- 2.4 In order to obtain a license to rent rooms within a building each owner shall comply with the following requirements:
- (a) Each owner shall pay the required license fee as per Schedule “A” attached hereto and forming part of this By-law at the time of applying for an annual license.
 - (b) Each owner shall submit an Application for a bed and breakfast establishment or guest home to the Township of Severn Planning & Building Department and shall include:
 - (i) A plan drawn to scale suitable to the Director of Planning & Development or designate (preferably a Plan of Survey) and will include:
 - ✓ The location of the house on the property with setbacks indicated from all property lines;
 - ✓ The location and dimension of the driveway;
 - ✓ Driveway access to the required parking spaces; and
 - ✓ Location and dimensions of parking spaces.
 - (ii) The applicant will provide the Director of Planning & Development or designate proof of separate liability insurance coverage for his/her bed and breakfast establishment or guest home for a minimum of \$1 million for the period covered by the license.
 - (iii) The applicant will provide a floor plan to identify the rooms which are to be licensed.
 - (c) The number of licensed rooms shall be limited to the number of dedicated parking spaces available and the number of bedrooms available. Dedicated parking spaces shall be determined by subtracting the total spaces used by the owner from the total number of spaces available. The total number of parking spaces available must be shown on the plan submitted with the application.
- 2.5 Upon confirmation that the bed and breakfast establishment or guest home complies with the Township of Severn Zoning By-law, the *Ontario Building Code*, the *Ontario Fire Code* and any other applicable legislation or Township of Severn By-laws and is in

compliance with all other provisions of this By-law, the Planning & Building Department shall issue a license which shall expire at midnight on December 31st of each year in which the license is issued. License applications for renewals of licenses received after January 31st shall be subject to an additional filing fee as prescribed in Schedule "A" attached hereto and forming part of this By-law. Renewal licenses will not require the aforementioned inspections unless there has been an alteration to the structure.

- 2.6 Subject to written approval from the Planning & Building Department and payment of a transfer processing fee as prescribed in Schedule "A" attached hereto and forming part of this By-law, a license issued under Section 2.4 of this By-law may be transferred to a new owner of the same property for the same number of rooms and without any changes to the property within the year in which the license is issued.
- 2.7 In addition to compliance with all of the aforementioned provisions of this By-law, the Township of Severn Zoning By-law, the *Ontario Building Code*, the *Ontario Fire Code* and any other applicable legislation or Township of Severn By-laws, the bed and breakfast establishment or guest home shall also be operated by the owner in compliance with the following provisions:
- (a) Only signs in accordance with the requirements of the Township Zoning By-law indicating that the building is a Bed and Breakfast or Guest Home shall be displayed.
 - (b) Each owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on the road allowance.
 - (c) A copy of the valid license shall be posted by the owner in a prominent and visible place in the home at all times while licensed.

3. Revoking/Suspending of License

- 3.1 The license to operate a bed and breakfast establishment or guest home may be revoked or suspended by the Director of Planning & Development or designate for any breach of the provisions of this By-law.
- 3.2 In the event that the continuation of this business poses an immediate danger to the health or safety of any person or to any property, the Director of Planning & Development or designate may suspend the license subject to the following:
- (a) Before suspending the license, the municipality shall provide the licensee with the reasons for suspension in writing and an opportunity to respond; and
 - (b) The suspension shall not exceed 14 days.
- 3.3 In considering the revoking or suspending of a license, the Director of Planning & Development or designate shall have regard for:
- (a) whether or not the owner and the premises in connection with the carrying on of a bed and breakfast establishment or guest home that is licensed pursuant to this By-law complies with all requirements of this By-law.

- (b) Whether or not the owner has failed to promptly remedy any reasonable concerns with regard to those matters set out in this By-law or has committed past breaches of this By-law.
 - (c) Whether or not the owner has failed to comply with any requirements of any other applicable By-laws of the Township of Severn or of any statute or in connection with the licensed activity of the business or place of business, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity.
 - (d) Whether or not the owner has any outstanding taxes or fees owing to the Township.
 - (e) Whether or not the owner has any outstanding fines or penalties imposed under the *Provincial Offences Act* for the contravention of any provision of this By-law or any other Municipal By-law or Provincial/Federal Legislation where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.
 - (f) Whether the Director of Planning or designate believes it is in the public interest to do so.
- 3.4 The owner or their agent shall have the right to appeal to the Council of the Corporation of the Township of Severn for a hearing on staff recommendations not to issue or to revoke/suspend a license.
- 3.5 The owner shall be given a Notice of Hearing to attend a scheduled Council Meeting in order to ask questions, provide evidence or report to Council on relevant issues.
- 3.6 Where the applicant has been provided a Notice of Hearing and does not attend, Severn Township Council may proceed with the meeting in the absence of the applicant.
- 3.7 The Township may be represented at the Hearing by the Township's Solicitor who is entitled to adduce evidence and submit arguments in reply to evidence and argument that has been submitted on behalf of the applicant.
- 3.8 Severn Township Council, after hearing all of the evidence and submissions made, may hold an "in-camera" meeting, where allowed by law, to debate the matter and to reach its decision. The decision of Council must be held by resolution in an open meeting format.
- 3.9 The decision of Council to issue a license, refuse to issue a license, revoke a license or suspend a license may be subject to such terms as Council shall impose and shall be final.
- 3.10 The decision shall be mailed to the applicant and to any person who has appeared before Council and who has requested a copy of the decision.

- 3.11 The applicant shall be notified by serving a copy of the resolution personally or by registered mail to:
- (a) the applicant at the address shown on the application; or
 - (b) the address last on file with the Planning & Building Department, or
 - (c) the counsel or agent of the applicant, if any, at the address as stated to the Planning & Building Department.
- 3.12 If the decision rendered is to grant the applicant the license applied for, the license shall be issued.
- 3.13 If the decision is to suspend or revoke the license, the applicant shall within 24 hours of service of notice by registered mail, or immediately if the notice is personally served, return the license to the Director of Planning & Development or designate.
- 3.14 If the decision is to impose conditions on the license, the applicant shall within 24 hours of service of notice by registered mail or personally served, advise the Director of Planning & Development or designate in writing as to his/her acceptance of the conditions.

4. Power of Entry

- 4.1 In accordance with the *Municipal Act*, S.O. 2001, Chapter 25, Section 436., the Director of Planning & Development or designate has the right to enter the bed and breakfast establishment or guest home at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with.

5. Validity

- 5.1 If a court of competent jurisdiction declares any provision of any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

6. Penalty

- 6.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000.00 per occurrence under the *Provincial Offences Act*, as amended.

7. Title

- 7.1 This By-law shall be known as the **“Bed & Breakfast Licensing By-law”**.

8. Effect

- 8.1 This By-law shall come into force and effect on the 1st day of January, 2008.

By-law read a third time and finally passed, having been amended after first and second reading, this 1st day of November, 2007.

CORPORATION OF THE TOWNSHIP OF SEVERN

MAYOR

CLERK-TREASURER

SCHEDULE "A" TO BY-LAW NO. 2007-93

Annual License Fees

License Fee:	\$100.00 annually
Late Filing Fee:	\$50.00 per application
Transfer Processing Fee:	\$25.00 per application
Expiry Date:	Annual License Expires at midnight on December 31 st each year