

**BY-LAW NUMBER 180-2004
OF THE CORPORATION OF
THE CITY OF STRATFORD**

Being a By-law to license, regulate and govern accessory guest rooms, bed and breakfast establishments and guest homes in the City of Stratford and to repeal By-law 243-2001 and any amendments thereto.

WHEREAS pursuant to the provisions of Part IV of the *Municipal Act, 2001, S.O. 2001 c.25* as amended, the Council of The Corporation of the City of Stratford may pass by-laws for licensing, regulating and governing businesses;

AND WHEREAS section 150 of the Act allows a municipality to license, regulate and govern any business wholly or partially carried on with the Municipality, even if the business is being carried on from a location outside the Municipality;

AND WHEREAS sections 390-400 of the Act enable municipalities to pass by-laws for imposing fees or charges for permits and services provided or done by them;

AND WHEREAS in accordance with section 150 (4)(a) and (b) of the Act, proper notice of a public meeting was given and a public meeting was held at which any persons who attended had an opportunity to make representation with respect to this by-law;

AND WHEREAS pursuant to section 150 of the Act, the Council of The Corporation of the City of Stratford is exercising its licensing powers under this section with respect to accessory guest rooms, bed and breakfast establishments and guest homes in the City of Stratford, including imposing conditions for the following reasons:

- a) for the purpose of the health and safety of the guests staying on the premises by ensuring that the building, health and fire code regulations are met, the required essentials such as plumbing, water and on-site parking are adequately provided; and,
- b) for ensuring that the accessory guest room, bed and breakfast establishment and guest home does not create a nuisance to the adjoining property or neighbourhood or surrounding lands and that zoning regulations are met.

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

DEFINITIONS

1. Unless otherwise specifically defined in any part of this By-law:
 - (a) **ACCESSORY GUEST ROOM** means a habitable room intended for sleeping accommodation, with or without meals, that is provided for a fee and that is clearly incidental, secondary and subordinate to the single detached dwelling within which it is situated.
 - (b) **BED AND BREAKFAST ESTABLISHMENT** or **GUEST HOME** means a single detached dwelling of an owner, being an owner in fee simple or as joint tenants or tenants in common, who resides therein as his\her principal residence, and resides therein during the time the bed and breakfast establishment or guest home is operating, and containing at least one (1) bedroom for his\her exclusive use and containing at least two (2) accessory guest rooms for the purposes of supplying temporary living accommodation to the public, for a fee, or a bed and breakfast establishment or guest home legally established under a predecessor zoning by-law of the City of Stratford. 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.

- (c) **SINGLE DETACHED DWELLING** means a dwelling containing not more than one (1) dwelling unit.

GENERAL PROVISIONS

2. No person shall use a building or operate as an Accessory Guest Room, Bed and Breakfast establishment/or Guest Home unless they hold a valid licence issued by the City of Stratford pursuant to this by-law.
3. No person shall operate or permit to operate an Accessory Guest Room, Bed and Breakfast establishment / or Guest Home in a building with more rooms than is authorized by the City of Stratford and as shown on the valid licence issued for the establishment.
4. Each owner of an Accessory Guest Room, Bed and Breakfast establishment/or Guest Home shall apply to the City of Stratford before January 31st each year for an annual licence.
5. In order to obtain a licence to rent rooms within a building the owner must comply with the following requirements:
 - (a) Pay the required licence fee as per Schedule "A" attached to this by-law at the time of applying for an annual licence.
 - (b) An application for an Accessory Guest Room, Bed and Breakfast establishment/or Guest Home licence shall be submitted to the City of Stratford Building and Planning Department and shall include:
 - i) a plan drawn to scale suitable to the City of Stratford Director of Building and Planning, 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,
 - ◆ the location and dimensions of the backyard landscaped open space,
 - ◆ location and dimensions of parking spaces
 - ii) the applicant will provide to the Director of Building and Planning or designate, proof of separate liability insurance coverage for his\her Bed and Breakfast establishment/or Guest Home for a minimum of Two Million Dollars (\$2,000,000) for the period covered by the licence, and,
 - iii) the applicant will provide to the City of Stratford, a floor plan to identify the rooms, which are to be licenced by name, number or physical description and location, and to identify the bedrooms for the exclusive use of the owner, and,
 - iv) the applicant will provide to the City of Stratford a list of motor vehicles that are used by the permanent residents of the licenced premises along with the license plate numbers of the said vehicles, and,
 - (c) The number of licenced 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 Licencee (resident's vehicles) from the total number of spaces available. The total number of parking spaces available must be shown on the plan submitted with the application.
6. Upon confirmation that the Accessory Guest Room, Bed and Breakfast establishment/or Guest Home complies with the City of Stratford Zoning By-law, with the *Ontario Building Code*, with the *Ontario Fire Code* with the *Ontario Health Protection and Promotion Act* and any other applicable City of Stratford By-laws and is in compliance with all other provisions of this By-law, the Building and Planning Department shall

issue a licence, which shall expire at midnight on December 31st of the year in which the licence is issued. Licence applications for renewals of licences received after January 31st, shall be subject to an additional late filing fee as prescribed in Schedule 'A' herein.

7. Subject to written approval from the Building and Planning Department and payment of a transfer processing fee as prescribed in Schedule 'A' herein, a licence issued under Section 5 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 licence is issued.
8. In addition to compliance with all of the aforementioned provisions of this By-law, the City of Stratford Zoning By-law, *Ontario Fire Code*, Ontario's *Health Protection and Promotion Act* and the *Ontario Building Code*, the Accessory Guest Room, Bed and Breakfast establishment/or Guest Home shall also be operated in compliance with the following provisions:
 - a) Only signs in accordance with the City of Stratford Sign By-law, indicating that the building is a Bed and Breakfast or Guest Home, shall be displayed.
 - b) Each owner must keep a daily guest register that has a separate date on each page with enough space provided for each guest to register in a designated room. The daily guest register must contain the guest's assigned room number, name, home address, home phone number, date and duration of stay, and number of guest vehicles.
 - c) The owner, upon request from the Director of Building and Planning, or designate, shall provide the daily guest register for inspection. The Director of Building and Planning or designate may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.
 - d) 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, and,
 - e) A copy of the valid licence must be posted by the owner in a prominent and visible place in the home at all times and in each licenced room, while licenced.

REVOKING OF LICENCE

9. The licence to operate an Accessory Guest Room, Bed and Breakfast establishment/or Guest Home may be revoked by a resolution of Council for any breach of the provisions of this By-law.

Council/the Planning and Heritage Sub Committee, in considering whether or not to grant a licence, or to revoke or suspend a licence, shall have regard to the following:

- a) whether or not the Applicant or Licencee and the premises in connection with the carrying on of a business that is licenced pursuant to this By-law, complies with all requirements of this By-law;
- b) whether or not the Applicant or Licencee has failed to promptly remedy any reasonable concern 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 Applicant or Licencee has failed to comply with any requirements of any other applicable By-law of the City or of any local board thereof, or of any statute, Orders-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the licenced activity of the business or place of business, facilities, equipment, vehicles and other property used or kept for hire in connection with the licenced activity;

- d) whether or not the Applicant or Licencee or his/her tenant has any outstanding taxes or fees owing to the City in respect of the business or place of business in question.
 - e) has past breaches of this By-law;
 - f) 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 Statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business;
 - g) where Council/the Planning and Heritage Sub committee believes it is in the public interest to do so.
10. It is the Planning and Heritage Sub Committee that will hear any appeals on staff recommendations not to issue or to revoke/suspend a licence. The members of the Planning and Heritage Sub Committee may, in its sole discretion, afford any other person who applied to be heard and who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before the Planning and Heritage Sub Committee and to ask questions of any person presenting evidence or a report to Council relevant to the said issues,
- a) for the purposes of this section of this By-law, a quorum of the Planning and Heritage Sub Committee shall be a majority of the members of the Planning and Heritage Sub Committee, and a decision by the majority of members present shall be the decision of the Planning and Heritage Sub Committee.
11. Where the applicant has been provided with Notice of Hearing and does not attend, the Planning and Heritage Sub Committee may proceed with the meeting in the absence of the applicant.
12. The City may be represented at the Hearing by the City'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 or Licencee.
13. The Planning and Heritage Sub Committee may, after hearing all of the evidence and submissions made to it by the Applicant or Licencee and the City Clerk, hold an in-camera session, where allowed by law, to debate the matter and to reach its decision.
14. The decision made by the Planning and Heritage Sub Committee in in-camera session, shall be confirmed in Open committee by resolution. The resolution is then forwarded to the Council for a decision. Once a decision by council is reached, a copy of such resolution shall be mailed to the Licencee and to any person who has appeared before Council and who has requested that a copy of the Resolution be provided to them.
15. The decision of Council to issue a licence, refuse to issue a licence, revoke a licence or suspend a licence may be subject to such terms as Council shall impose and shall be final.
16. a) The Director of Building and Planning shall notify the Applicant or Licencee of the decision of Council by serving a copy of the Resolution personally or by registered mail to:
- i) the Applicant or Licencee at the address shown on the application, or
 - ii) the address last on file with the Building and Planning Office, or
 - iii) the counsel or agent of the Applicant or Licencee, if any, at the address as stated to the Building and Planning Office.
- b) If the decision rendered is to grant the Applicant the licence applied for, the licence shall be issued.
 - c) If the decision is to suspend or revoke the licence, the licencee shall within,

24 hours of service of notice by registered mail, or immediately if the notice is personally served, return the licence to the Director of Building and Planning or any other duly appointed individual shall have access to any premises or other property of the licensee for the purpose of receiving or taking the licence.

- d) If the decision is to impose conditions on the licence, the licensee shall within 24 hours of service of notice by registered mail, or immediately if the notice is personally served, advise the Director of Building and Planning as to his or her acceptance of the conditions.

SCHEDULE

17. Schedule "A" forms part of this By-law.

VALIDITY

18. If a court of competent jurisdiction declares any provision or 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.

PENALTY

19. 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.

EFFECT

20. This by-law comes into effect on January 1, 2005.

REPEAL

21. By-law 243-2001 and all of its amendments are repealed effective December 31, 2004.

Read a FIRST, SECOND and THIRD TIME and

FINALLY PASSED this 13th day of December, 2004

"Daniel Mathieson"
Mayor – Daniel B. Mathieson

"Joan Thomson"
City Clerk – Joan Thomson

**This is Schedule "A" to By-law 180-2004
of
The Corporation of the City of Stratford**

2011 Fees with CPI Adjustments

	Annual Licence Fees *
Licence Fee	Minimum of \$152.00 per licence, and the following applicable amount: 2011 \$61.00 per additional room 2012 \$91.00 per additional room
Late Filing Fee	\$51.00 per application
Transfer processing Fee	\$25.00 per application
Expiry Date	Annual licence expires at midnight on December 31 each year

GST is not applicable to these annual licence fees.

* These rates shall automatically increase and be rounded to the nearest dollar on the first day of January each year by the percentage increase in the CPI. CPI means the twelve-month average of Total Consumer price Index as published by Statistics Canada in November, using the most current October to October rates.