

# **The Corporation of the City of Guelph**

## **By-law Number (2023)-20825**

A By-law to amend By-law Number (2009)-18855, as previously amended, being a By-law respecting the licencing of businesses operating within the City of Guelph, in respect of short-term rentals

**WHEREAS** pursuant to the Provisions of Part IV of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Act") the Council of The Corporation of the City of Guelph ("Council") may provide for a system of licence with respect to businesses.

**AND WHEREAS** The Corporation of the City of Guelph ("City") adopted By-Law Number (2009)-18855, being a By-law respecting the licencing of businesses operating within the City of Guelph, on September 28, 2009, as amended;

**AND WHEREAS**, pursuant to section 10 of the Act, the City is exercising its authority to regulate short-term rentals in the interest of health and safety, well-being of persons, consumer protection, and nuisance control;

**AND WHEREAS** section 436 of the Act, authorizes the City to pass-bylaws providing that the municipality may enter on land at any reasonable time for the purposes of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence;

**AND WHEREAS** section 390 of the Act, authorizes the City to pass by-laws imposing fees or charges for services provided or done by it or on behalf of it;

**AND WHEREAS** the City now intends to impose conditions on short-term rentals within the City of Guelph; and

**AND WHEREAS** the City intends to amend By-law Number (2009)-18855 as set out herein;

### **The Council of the Corporation of the City of Guelph enacts as follows:**

1. That Schedule "A" of By-law Number (2009)-18855, as amended, is hereby deleted and replaced with the new Schedule "A" attached as Schedule "1".
2. That Schedule "B" of By-law Number (2009)-18855, as amended, is hereby deleted and replaced with the new Schedule B" attached as Schedule "2".
3. That the attached Schedule "3" shall be added to By-law Number (2009)-18855 as a new Schedule 20 therein.
4. In all other respects By-law Number (2009)-18855, as previously amended, remains unchanged.
5. This By-law shall come into force and take effect on December 1, 2023.

**Passed this 24 day of October 2023.**

### **Schedules:**

Schedule 1: Schedule "A" to City of Guelph By-Law Number (2009)-18855  
Businesses Requiring Business Licences

Schedule 2: Schedule "B" to City of Guelph By-Law Number (2009)-18855 Required  
Inspections For Both Initial Applications And Renewals

Schedule 3: being new Schedule "20" to City of Guelph By-Law Number (2009)-  
18855 Short-Term Rentals

**Cam Guthrie, Mayor**

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**Stephen O'Brien, City Clerk**

**Schedule "1"**  
**being new SCHEDULE "A"**  
**to The Corporation of the City of Guelph By-law Number (2009)-**  
**18855**

**BUSINESSES REQUIRING BUSINESS LICENCES**

<b>SCHEDULE</b>	<b>BUSINESS</b>
1	Adult Entertainment Establishment Adult Entertainment Retail Establishment
2	Amusement Establishment
3	Bed and Breakfast
4	Catering Business
5	Food Establishment Business
6	Outdoor Food Sales Business
7	Holistic Services: Owner, Operator or Practitioner
8	Hotel Establishments
9	Pawnbroker
10	Personal Service Establishment
11	Private Parking Agent
12	Public Assembly Hall
13	Outdoor Merchant Sales Business
14	Driving Instructor
15	Donation Bin, Publication Dispensing Box
16	Taxicabs, Accessible Taxicabs and Limousines
17	Vehicle for Hire
18	Second-hand Good and Salvage Goods
19	Payday Loan Establishment
20	Short-Term Rentals

**Schedule "2"**  
**being new SCHEDULE "B"**  
**to The Corporation of the City of Guelph By-law Number (2009)-**  
**18855**

**REQUIRED INSPECTIONS FOR BOTH INITIAL APPLICATIONS AND**  
**RENEWALS**

<b>SCHEDULE #</b>	<b>BUSINESS</b>	<b>APPLICATION</b>	<b>RENEWAL</b>
1	Adult Entertainment Establishment	Zoning, By-law, Fire, Building	By-law, Fire
	Adult Entertainment Retail Establishment	Zoning, By-law, Fire, Building	By-law, Fire
2	Amusement Establishment	Zoning, Fire, Building	Fire
3	Bed & Breakfast	Zoning, Fire, Building	Fire
4	Catering Business	Zoning, Fire, Health, Building	Fire, Health
5	Food Establishment Business	Zoning, Fire, Health, Building	Fire, Health
6	Outdoor Food Sales Business	Zoning, By-law, Health, Fire	By-law, Fire, Health
7	Holistic Services – Owner	Zoning, By-law, Building, Health, Fire	By-law, Fire, Health
	Practitioner/ Operator	n/a	By-law
8	Hotel Establishment	Zoning, By-law, Building, Fire	Fire
9	Pawnbroker	Zoning, Fire, Building	n/a
10	Personal Service Establishment	Zoning, By-law, Fire, Health, Building	By-law, Fire, Health
11	Private Parking Agent	By-law	n/a
12	Public Assembly Hall	Zoning, Fire, Health, Building	Fire, Health
13	Outdoor Merchandise Sales Business	Zoning, By-law, Fire, Health	By-law, Fire, Health
14	Driving Instructor	By-law	n/a
15	Donation Bin, Publication Dispensing Box	By-law	n/a
16	Taxicabs, Accessible Taxicabs and Limousines	By-Law	By-Law
17	Vehicle for Hire	By-law	By-law
18	Second-hand Goods and Salvage Goods	By-law	By-law
19	Payday Loan Establishments	Zoning, By-Law, Fire, Building	Fire
20	Short-Term Rentals	Zoning, By-Law, Fire, Building	Fire, By-law

**Schedule "3"**  
**being new SCHEDULE "20"**  
**to The Corporation of the City of Guelph By-law Number (2009)-**  
**18855**

**SHORT-TERM RENTALS**

The provisions of this Schedule shall apply in respect of Businesses which operate as Short-Term Rentals.

**Definitions**

1. In addition to the terms defined in section 1 of this By-law, the following terms shall have the corresponding meanings for the purposes of this Schedule, and any forms, contracts, or policies prepared in relation to this Schedule:

**"Additional Residence"** means a Dwelling located in Guelph that is owned by the same person, either alone or jointly with others, who is the Owner of the Principal Residence.

**"Principal Additional Residence"** means a Dwelling that has a separate municipal address and is situated on same Premises as that of the Principal Residence.

**"Dwelling"** means one or more habitable rooms designed, occupied or intended to be occupied as living quarters.

**"Electricity Act"** means the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A., as amended from time to time or any successor thereof.

**"Operator"** means any person who owns a residential property within the City of Guelph and operates or permits the operation of a Short-Term Rental and does not include a corporation.

**"Principal Residence"** means a Dwelling located in Guelph that is owned by a person, either alone or jointly with others, where the person is ordinarily resident, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving documentation related to identification, taxation and insurance purposes, drivers' licenses, income tax returns, medical plan documentation, vehicle registration and voter registration, or similar information.

**"Reservation"** means a booking or commitment between an Operator and a person that the Short-Term Rental will be available for the person's use for a specified period of time.

**"Schedule"** means this Short-Term Rentals Schedule under this By-law.

**"Owner"** means the registered person, either alone or jointly with others who is the owner of the lands or Premises and who is not a corporation.

**"PIPEDA"** means the Personal Information Protection and Electronic Documents Act (S.C. 2000, c. 5), as amended from time to time or any successor thereof.

**"Short-Term Rental"** means temporary accommodation in all or part of a Dwelling that is provided for thirty (30) consecutive days or less in exchange for payment or service.

**"User Fees or Charges By-Law"** means the City of Guelph's user fees or charges by-law number (2021)-20655, as amended from time to time, or any successor thereof as approved by City Council;

**Application**

2. This Schedule does not apply to:

- (a) a hotel, motel, inn, resort, bed and breakfast defined and regulated by the Building Code Act and/or the Zoning By-Law;
- (b) a residence operated by a post-secondary institution;
- (c) a home for special care operated under the authority of a licence issued under the *Homes for Special Care Act*, R.S.O. 1990, c. H. 12;
- (d) a long-term care home operated under the authority of a licence issued under the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8;
- (e) a retirement home operated under the authority of a licence issued under the *Retirement Homes Act, 2010*, S.O. 2010, c. 11;
- (f) a boarding, lodging or rooming house, as defined in the Building Code Act and/or the Zoning By-law.

### **Prohibitions**

- 3. No person shall operate a Short-Term Rental unless they have obtained a Business Licence to do so from the City.
- 4. No person shall operate a Short-Term Rental unless that person is the Owner of the Principal Residence and the Owner's name and the municipal address of the Owner's Principal Residence are registered on the Business Licence.
- 5. No person shall operate an additional Short-Term Rental unless that person has a Short-Term Rental location listed on the Business Licence as either that person's Principal Residence or that person's Principal Additional Residence.
- 6. No person shall provide or advertise a Short-Term Rental without prominently displaying at the Premises and in each advertisement the Operator's Business Licence number.
- 7. No person shall fail to remove an advertisement for a Short-Term Rental that is prohibited under this By-law within twenty-four (24) hours of becoming aware of the prohibition or receiving notice to do so by the Issuer of Licences.
- 8. No person shall provide or advertise a Short-Term Rental that is not licensed in accordance with this By-Law.
- 9. Every Operator is required to maintain insurance as specified in this Schedule.
- 10. No person who is required under this Schedule to maintain insurance shall fail to keep the policy in force for the period for which the Business Licence is in effect, inclusive of any renewal period.

### **Submitting an Application**

- 11. To apply for an Operator's Business Licence or its renewal an Applicant shall submit to the City the information required by this Schedule, together with all applicable fees, as prescribed by the User Fees or Charges By-law.
- 12. No person shall be entitled to apply for a Business Licence or to renew a Business Licence if in the year prior to the application, the person applied for and was refused a Business Licence or had their Business Licence revoked by the City.

### **Application Requirements**

- 13. An application for an Operator's Business Licence shall be in a form approved by the Issuer of Licences and require the Applicant to provide the following for each Operator's Short-Term Rental location:

- (a) The Operator's name, phone number, and e-mail address;
- (b) The municipal address of the Operator's Principal Residence;
- (c) The municipal address of the Operator's Short-Term Rental location;
- (d) A Floor Plan showing the square footage of the Dwelling in which the Short-Term Rental will be located including the number of bedrooms in the Short-Term Rental, along with the number of smoke alarms and carbon monoxide detectors and their respective locations;
- (e) A description of what parts of the Premises will be used for the Short-Term Rental;
- (f) A description of the type of building in which the Short-Term Rental is located;
- (g) The number of off-street parking spaces available for the Short-Term Rental;
- (h) The guest information package, as further described in section 35 of this Schedule;
- (i) A detailed fire escape plan;
- (j) Proof of adequate insurance coverage in accordance with section 37 of this Schedule;
- (k) If applicable, proof to the satisfaction of and in a form satisfactory to the Issuer of Licences that the condominium corporation permits Short-Term Rentals;
- (l) Proof to the satisfaction of and in a form satisfactory to the Issuer of Licences that the Premises is in compliance and will be maintained in compliance with the applicable laws and City By-laws, including but not limited to the Building Code Act, Fire Protection and Prevention Act, Property Standards By-Law and Zoning By-Law;
- (m) The name and telephone number of an emergency contact person who will be available twenty-four (24) hours a day during the Short-Term Rental periods;
- (n) List of companies used to advertise the Short-Term Rental;
- (o) Government-issued identification and any other documentation to the satisfaction of the Issuer of Licences to demonstrate that the Applicant is the Owner of the Principal Residence;
- (p) Government-issued identification and any other documentation to the satisfaction of the Issuer of Licences to demonstrate that the Owner of the Short-Term Rental is the same Owner that owns the Principal Residence;
- (q) The Applicant's Criminal Record and Judicial Matters Check pursuant to Schedule "C" of this By-law;
- (r) An indemnity in favour of the City from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the Short-Term Rental, which shall be in the form satisfactory to the Issuer of Licences; and
- (s) Such other information or documents as may be required by the Issuer of Licences.

14. An Applicant for a Business License or its renewal shall be a person who is 18 years of age or older.

15. For greater clarity, a person who wishes to add an additional Short-Term Rental location to the existing Business Licence or renew a Business Licence shall comply with the application requirements in this Schedule.

### **Review and Process Applications**

16. The City shall, upon receipt of an Application for a Business Licence, or its renewal, investigate as necessary with respect to the Application and shall:

- (a) If there are any reasonable grounds to believe that the Applicant may not be entitled to the issuance or renewal of a Business Licence based on the criteria identified in this By-law, send notice of this fact to the Applicant; or
- (b) Subject to the provisions of this By-law, issue or renew the Business Licence, with or without conditions and send the appropriate notice to the Applicant.

### **Issuing Licences**

17. No Business License shall be issued to a corporation.

18. No more than one (1) Business License per person is permitted.

19. A Business Licence shall include at least one (1) Short-Term Rental location municipal address listed and may include up to a total three (3) Short-Term Rental locations listed subject to the following:

- (a) if there is one (1) Short-Term Rental then the Short-Term Rental shall be the person's Principal Residence, the Principal Additional Residence, or the Additional Residence;
- (b) if there are two (2) Short-Term Rentals then:
  - (i) one (1) Short-Term Rental shall be either the person's Principal Residence or the person's Principal Additional Residence; and
  - (ii) subject to 17(b)(i) one (1) Short-term Rental shall be either the person's Principal Residence, the person's Additional Principal Residence or the person's Additional Residence; and
- (c) if there are (3) Short-Term Rentals then:
  - (i) one (1) Short-Term Rental shall be the person's Principal Residence;
  - (ii) one (1) Short-Term Rental shall be the person's Principal Additional Residence; and
  - (iii) one (1) Short-Term Rental shall be the person's Additional Residence;

20. Each Short-Term Rental shall have its own municipal address.

21. For greater clarity, the Principal Residence, the Principal Additional Residence and the Additional Residence shall all be owned by the same Owner.

22. All Business Licences issued to Operators shall be issued a unique licence number and will be valid for one (1) year after issuance. Operators may renew their Business Licences annually by paying the applicable fees and submitting the required documents.



23.No person shall enjoy a right in the continuance of a Business Licence and at all times the value of a Business Licence shall be the property of the City.

24.No person licenced under this Schedule shall advertise, promote or carry on business under any name other than that endorsed upon that person's Business Licence.

### **Grounds for Refusal of Licences**

25.In addition to the criteria set out in this By-Law, the Issuer of Licences shall issue or renew a Business Licence to any person who meets the requirements of this By-law, except where:

- (a) The conduct, or past conduct, of the person affords the Issuer of Licences reasonable grounds to believe that the person has not or will not carry on the Short-Term Rental in accordance with applicable laws or with honesty and integrity;
- (b) The Issuer of Licences reasonably believes that the issuing of a Business Licence to a person could be adverse to the public interest;
- (c) The Issuer of Licences reasonably believes that the carrying on of the Short-Term Rental by the Applicant has resulted, or will result, in a breach of this By-law, a Zoning By-law or any other applicable by-law or law;
- (d) The Issuer of Licences has reasonable grounds to believe that the Premises, advertising, or platform in respect of which the Business Licence is required does not comply or will not comply with the provisions of this By-law, a Zoning By-law or any other applicable by-law or law;
- (e) The Premises on which the Short-Term Rental is situated is subject to an order, or orders, made pursuant to (or by): the Property Standards Bylaw, the Building Code Act; the Fire Protection and Prevention Act; the Health Protection and Promotion Act or the Electricity Act;
- (f) The Premises on which the Short-Term Rental is situated is not in compliance with the Zoning By-Law;
- (g) The person or the Premises on which the Short-Term rental is situated is indebted to the City by way of fines, penalties, judgements or outstanding (past due) property taxes, or any other amounts owing; or
- (h) The conduct of the Applicant or other circumstances afford reasonable grounds to believe that the operation of the Short-Term Rental by the Applicant has infringed, or would infringe, the rights of other members of the public, or has endangered, or would endanger, their health and safety.

26.The Issuer of Licences may deny the issuance or renewal of a Business Licence where the Applicant has been convicted within the past three (3) years of a criminal offence for which a pardon has not been granted.

### **Principal Residence Requirement**

27.For the purpose of this Schedule, an Operator shall be deemed to have only one (1) Principal Residence at any time.

28.No Operator shall rent or advertise any Premise on which the Short-Term Rental is situated for a Short-Term Rental unless that Operator holds a Business Licence that has the Operator's name and the municipal address of the Operator's Principal Residence registered on such Business Licence at that time.

## **Limitations Regarding Short-Term Rentals**

29. Every Operator shall ensure that their respective Short-Term Rental complies with all applicable laws and City By-laws including but not limited to the Zoning By-law and are recognized by the City through the issuance of a building permit and undergo inspections to confirm compliance with the Property Standards Bylaw, the Building Code Act, and the Fire Code.
30. Every Operator shall post their fire escape plan on all floors of their Premises in a conspicuous place.
31. Every Operator shall have working smoke alarms and carbon monoxide detectors in their Premises in accordance with the Fire Protection and Prevention Act.

## **Requirements Regarding Guests and Collection of Information**

32. Every Operator shall keep a record of each concluded transaction related to the Operator's Short-Term Rental for three (3) years following the date of the transaction. A transaction is concluded on the last day of the rental period. The records retained shall include the following:
  - (a) The number of nights the Short-Term Rental was rented;
  - (b) The nightly and total price charged for each rental; and
  - (c) Any other information required by the Issuer of Licences.
33. The collection, use, disclosure, transmission, retention and destruction of personal information (as that term is defined in PIPEDA) by any Operator shall be conducted in accordance with the applicable requirements of PIPEDA.
34. Every Operator shall provide the information referred to in section 32 of this Schedule to the City within fifteen (15) days of being requested to do so by the Issuer of Licences.
35. Every Operator shall provide the guest who made the Reservation with an information package for each rental period:
  - (a) Electronically at the time of booking; and
  - (b) Within the Dwelling, in a printed document that is visible and accessible to all guests.
36. The information package prescribed in section 35 of this Schedule shall include:
  - (a) contact information for the Operator or person who is available to receive communications from any guest during the rental period;
  - (b) instructions for use of the 9-1-1 emergency system;
  - (c) the name and address of the nearest hospital or emergency medical services providing emergency care;
  - (d) non-emergency contact information for the Guelph Police Service;
  - (e) a floor plan for the Dwelling indicating emergency evacuation routes and the location of safety equipment;
  - (f) notice to guests of the presence of any system on the Premises that is making video or audio recordings or photographs;
  - (g) instructions for solid waste disposal, to include information on the applicable waste collection day and instruction for composting and recycling;
  - (h) instruction for legal parking on the Premises and in the vicinity of the Premises, as applicable; and

- (i) copy of the applicable Operator Business Licence, and any conditions imposed on the Business Licence.

## **Insurance**

37. Every Operator shall have and maintain Homeowners Insurance, Condominium Insurance, or Renters Insurance, as appropriate, that includes the following:

- (a) coverage for Short-Term Rental or home sharing activity that is appropriate for the nature of the Premises;
- (b) Host Liability or Commercial General Liability coverage of not less than Two Million Dollars (\$2,000,000) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes: blanket contractual liability, premises and operations liability, personal injury, owners and contractors protective coverage; broad form property damage; occurrence property damage; employees as additional insured, and cross liability and severability of interest to the satisfaction of the City.

38. The insurance policy set out in section 37 of this Schedule, must be valid at all times during the term of the Business Licence and the Operator shall provide proof of the current insurance at any time, upon demand to the Issuer of Licences, or an Officer.

39. Without limiting section 37 of this Schedule, where an Operator's Insurance policy as required by this Schedule, requires renewal during the term of the Business Licence, the Operator shall provide proof of such renewal to the Issuer of Licences no later than the date of the current insurance policy expiry.

40. Without limiting section 37 of this Schedule, where there is a change in any information relating to the insurance required by this Schedule, the Operator shall notify the Issuer of Licences of the change and provide written details of the change to the Issuer of Licences, not later than fifteen (15) calendar days following the date of the change.

## **Enforcement**

41. Notwithstanding anything else in this By-law, for the purpose of investigating compliance with this By-law, the Issuer of Licences may audit or examine all books, records and any account, voucher, letter, facsimile, and electronic or other document held by an Operator that relates or may relate to information that is or should be in the person's books or records.

42. An Operator shall comply with all audit directions given by the Issuer of Licences within the time the Issuer of Licences specifies, including:

- (a) Giving the Issuer of Licences all reasonable assistance with their audit or examination;
- (b) Answering all questions relating to the audit or examination either orally or, if the Issuer of Licences requires, in writing, on oath or affirmation, or by statutory declaration;
- (c) Attending at a Premises or place where the Short-Term Rental is carried on or any City office for the purposes of giving the Issuer of Licences reasonable assistance and answering questions related to the audit or examination; and
- (d) Producing an oath or affirmation or otherwise all books, letters, accounts, invoices, financial statements, electronic or such other documents as the Issuer of Licences considers necessary to determine compliance with this By-law.

43. Any person authorized by the Issuer of Licences may at all reasonable times and in accordance with any applicable requirements in the Act inspect any Premises

used for the carrying on of any Short-Term Rental in respect of which a person is required to be licenced under this Schedule.

44.No person who has or is required to have a Business Licence under this Schedule shall obstruct or permit to be obstructed the making of the inspection.

45.If requested by the City, an inspection shall be scheduled and conducted within seven (7) days of the City's request.

### **Issuer of Licences Authority and Administrative Provisions**

46.The Issuer of Licences may delegate any authority or function provided for in this Schedule to any staff of the City designated by the Issuer of Licences.

47.All communication relating to this Schedule between the City and an Applicant or Licencee, shall be sent via e-mail to the e-mail address most recently provided to the City as part of the licencing process under this Schedule, except where another method is authorized by the Issuer of Licences.

48.Any e-mail sent in accordance with section 47 of this Schedule shall be deemed for the purposes of this Schedule to have been received by the addressee on the day it is sent.

49.All records and information that must be maintained by an Operator or that may be audited, examined or collected by the City under this Schedule are deemed to be collected and properly used for the purposes of administrating and enforcing this By-law.

### **Conflict**

50.If there is a conflict between this Schedule and this By-Law then the terms and conditions of this Schedule shall govern as it relates to such conflict.

### **Transitional Provision**

51.Any Operator operating a Short-Term Rental in the City of Guelph must obtain a Business Licence issued under this By-Law within sixty (60) days from the Effective Date of this By-Law and the Operator shall renew the Business Licence in accordance with this By-law and this Schedule.

### **Effective Date:**

52.This Schedule shall come into force and effect on the 1st day of December, 2023.