



## The Corporation of the Town of Essex

Section:	Legal and Legislative Services
Subject:	Short Term Rental Unit Application Review Process
Policy Number:	
Approval Date:	
Approved By:	
Prepared By:	

### Objective/Policy Statement

The Corporation of the Town of Essex is committed to ensuring accountable and transparent Short Term Rental Unit Application and renewal practices relating to application review by the Town of Essex.

### Purpose

The purpose of this policy is to provide clear and consistent direction to all Applicants, Members of the Public, Members of Council and Town Staff to ensure a fair and transparent Short Term Rental Unit Application review process.

### Scope

This policy applies to the Short Term Rental Unit Licensing Application process, including the review of Licensing Applications by the various Departments being Legal & Legislative Services, Planning Services, and Fire Services in relation to the requirements of Zoning By-Law 1037 and Short Term Rental Unit Licensing By-Law 2468.

### Definitions

The defined terms mentioned in this Policy have the meanings prescribed to them in By-Law 1037 and By-Law 2468.

## Policy

This policy shall apply to STRU Licence Applications under By-Law 1037 and By-Law 2468 respectively.

### Zoning Review Process Requirements:

To confirm that an existing dwelling within a Residential District was established prior to and in operation on or before May 9, 2022, an STRU Applicant must provide two (2) or more of the following records for inspection which, to the satisfaction of the Town in its sole discretion, serve as evidence that the Short Term Rental Unit complies with the provisions of subsection 8.16, Short Term Rental Units, of Zoning Bylaw 1037:

- a) Original and valid, time stamped, rental receipts with names of guests, address and/or reference to subject property, date of entry, the length of stay, and cost which are printed, scanned, screenshot from home sharing platforms, domain names and social media sites;
- b) Official, time stamped rental reviews with names of guests and dated prior to May 9, 2022, with reference to subject property, from home sharing platforms, social media sites, or advertising platforms; or
- c) Any official materials showing the Advertising of the proposed STRU or sworn affidavits acceptable by the Town in its sole discretion that prove that the Short Term Rental Unit was in operation as such prior to and on May 9, 2022.

Applicants shall not obtain a Licence by providing mistaken, false, incomplete or incorrect information.

### Short Term Rental Unit Licensing Review Requirements:

A Person shall only be permitted to apply for a Licence or the renewal of an existing Licence if the Short Term Rental Unit is in full compliance with the provisions of the Zoning By-Law 1037.

A Person applying for a Licence or renewal of an existing Licence shall meet the following requirements and provide the Licensing Administrator, to its satisfaction in its sole discretion, with the following, as applicable:

- a) a completed Application in the form required by the Licensing Administrator that will include each Owner, Applicant and/or **Agent's** name, address, telephone number, and e-mail address;
- b) payment of the non-**refundable licensing fee as set out in Schedule "D" of the Town's** STRU By-Law 2468 or such revised amounts as may be set out

and amended **from time to time in the Town's Fees and Charges By-Law**;

- c) if the Applicant is an individual, proof that the Applicant is at least eighteen (18) years of **age, for example, a copy of Driver's Licence**;
- d) if the Applicant is a Corporation, proof that the 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 of the Government of Canada;
  - ii) Corporate Profile Report for the Corporation, issued within 30 days of the Application; and
  - iii) **a copy of the Corporation's Shareholder Register as of the date of the Application.**
- e) if the Applicant is 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;
- f) proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury with an undertaking from the Applicant that this insurance policy will remain in place and valid for the term of the Licence;
- g) a floor plan and a site plan of the Short Term Rental Unit and Premises depicting:
  - i) all entrances and exits to and from the building;
  - ii) the use of each room, including the proposed occupancy;
  - iii) the location of smoke alarms, fire extinguishers, carbon monoxide alarms, and early warning devices;
  - iv) related site amenities including other buildings, structures, and open burn/campfire location on the land; and
  - v) the parking spaces required in accordance with section 1.1 h) of Schedule **"B" of the Town's STRU By-Law 2468.**
- h) a statement prepared by the Fire Chief confirming that the Short Term Rental Unit and the Premises complies with the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, which results from an inspection that was conducted within the twelve (12) months

preceding the submission of the initial Application. For the purposes of renewals, such statement shall be conducted within twelve (12) months preceding each third (3<sup>rd</sup>) such consecutive renewal. Where the STRU, for any reason, does not renew annually such statement shall be conducted no later than three (3) years following the previously prepared statement;

- i) a statement prepared by the Town Planner or designate confirming that the proposed Application and Premises complies with the **Town's Zoning By-Law**;
- j) a declaration that:
  - i) the STRU is in compliance with the *Building Code Act, 1992, S.O. 1992, c. 23*, or any regulations made under it, including the Building Code;
  - ii) the STRU is in compliance with the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, or any regulations made under it, including the Fire Code;
  - iii) the STRU is in compliance with the *Electricity Act, 1998, S.O. 1998, c. 15, Sched. A*, or any regulations made under it, including the Electrical Safety Code;
  - iv) the Owner or the Applicant (if different than the Owner) and any Local Contacts are aware of all relevant federal and provincial legislation, as well as all relevant municipal by-laws, and that they will comply with all of them;
  - v) the Applicant or Owner confirms the accuracy, truthfulness, and completeness of the information submitted; and
  - vi) the Applicant or Owner confirms they will require each Renter **to abide by a Renter's Code; and**
- k) such other requirements or documents that may be requested by the Town and/or the Licensing Administrator.

## Application/Limitations

The Town Clerk is authorized and directed to take the necessary action to give effect to this Policy. This Policy does not restrict the Town Clerk or designates from utilizing municipal resources to perform duties related to approving STRU Licensing Applications in accordance with the requirements of Zoning By-Law 1037 and STRU Licensing By-Law 2468.

## Review Period

This Policy shall be reviewed by administration every three (3) years from its Approval Date.