

# LODGING HOUSE BY-LAW

Consolidation of By-law 94-2002 approved October 21, 2002

Amended by By-law 117-2008, 13-2003, 79-2004, 110-2004, 81-2020, 135-2021 and 127-2022.

**Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.**

being a by-law to provide for the licensing, regulating and governing of lodging houses in the City of Oshawa.

**Whereas** Part XVII.1 of the *Municipal Act*, R.S.O 1990, c. M.45, as amended, authorizes the council of a municipality to pass by-laws for the licensing, regulating and governing of businesses;

**And Whereas** the Council of the Corporation of the City of Oshawa deems it desirable to licence, regulate and govern the business of operating and maintaining lodging houses for the purposes of health and safety, nuisance control and consumer protection;

Now therefore, it is enacted as a by-law of the corporation of the City of Oshawa by the Council thereof as follows:

**Section 1: Short Title**

1.1 This By-law may be cited as the “Lodging House Licensing By-Law”.

**Section 2: Administration, Interpretation and Enforcement**

2.1 Scope

2.1.1 This By-law applies throughout the City of Oshawa.

2.2 Severability

2.2.1 If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, 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.

2.3 Compliance with other By-Laws and Regulations

2.3.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

2.3.2 If there is a conflict between a provision in this By-law and a provision of any other City by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

2.4 Gender and Number

2.4.1 In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.

2.5 Headings

2.5.1 The headings of sections, subsections and articles in this By-law are inserted for ease of reference only and do not affect the interpretation of this By-law. Language within parentheses do form a part of this By-law.

2.6 Numbering System

2.6.1 The numbering system for sections, articles and sentences for this By-law is explained as follows:

Each “section” is numbered with an Arabic numeral. The second Arabic numeral following the first (separated by a decimal) describes the “subsection”. The third Arabic numeral (where one appears) following the second (separated by a decimal) describes the “article.” Clauses, lists of items, provisions or requirements within subsections or articles are defined by alphabetic characters enclosed by parentheses.

## 2.7 And/Or

2.7.1 The word “and” is an inclusive conjunction, the use of which indicates that all items or phrases in the subsection, article, or list in which it appears are permitted or required, as the case may be. The word “or” is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word “or” may also be an inclusive conjunction having the same meaning as the word “and”.

## 2.8 References To Legislation

2.8.1 All references in this By-law to names of Acts of the Legislature are, unless otherwise noted, references to the Revised Statutes of Ontario, 1990 edition. Similarly, all references in this By-law to names of Regulations are, unless otherwise noted, references to the Revised Regulations of Ontario, 1990 edition. All references to Acts of the Legislature, Regulations and By-laws include applicable amendments, including successor Acts, Regulations and By-laws.

## 2.9 Defined Terms

2.9.1 Wherever the first letter of a term set out in the text of this By-law is capitalized, save for the first letter of terms which begin a sentence, section, subsection or article (unless that term is defined by this By-law) the term shall have the meaning set out for it in Section 3 and shall include the plural, past and future tense, with the necessary modification in interpretation required by the context. Wherever the first letter of a term set out in this By-law appears in lower case, it shall be deemed to have the meaning ordinarily attributed to it in the English language.

## 2.10 Use

2.10.1 In this By-law, unless the context requires otherwise, the verb “use” shall include “intend to use”, “design to use” and “cause or permit to use”.

## 2.11 Effective Date

2.11.1 This By-law shall come into force on January 1, 2003.

## 2.12 Repeal Of Existing By-Law

2.12.1 On the date that this By-law comes into force, By-law 74-84 is repealed.

## **Section 3: Definitions**

3.1 For the purpose of interpreting the provisions set forth in this By-law, the following definitions shall apply:

“Accessory Building” means a detached Building not used for human habitation.

“Apartment Building” means a Building containing three (3) or more Dwelling Units, where units are horizontally separated and where each unit has access to an interior corridor system with exit at grade level.

“Bed and Breakfast Establishment” means a Single Detached or Farm Dwelling in which not more than three bedrooms are made available for the temporary accommodation of travelers, to whom meals may be furnished, but does not include a Hotel or Lodging House.

“Building” means any Structure consisting of a roof supported by walls or columns which is used for the shelter, accommodation or enclosure of Persons, animals, goods, chattels or equipment, whether heretofore or hereafter erected.

“By-Law Enforcement Officer” means any Person appointed by the City to enforce its by-laws.

“Cellar” means the portion of a Building between two floor levels which is partly or wholly underground and which has more than one-half of its height from finished floor to finished ceiling below adjacent finished grade.

“City” means The Corporation of the City of Oshawa.

“Committee” means the Committee of Council to which Council has delegated the responsibility of handling lodging house licensing matters. (110-2004)

“Correctional Group Home” means a Group Home containing one or more Persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity.

“Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel.

“Dwelling” means a Building or Structure or part of a Building or Structure used for the purpose of human habitation, and includes a Building that would be used or would be intended to be used for such purposes, except for its state of disrepair, and shall include every Building on a residential Property other than an Accessory Building.

“Dwelling Unit” means that part of a Dwelling consisting of one or more Habitable Rooms, which contains toilet and cooking facilities and which is designed for use as a single housekeeping establishment.

“Farm Dwelling” means a Single Detached Dwelling which is located or intended to be located on a lot used for agricultural purposes.

“Grade” means the average elevation of the finished surface of the ground where it meets the exterior of the front of the Lodging House.

“Group Home” means a Dwelling Unit housing three to ten persons, exclusive of staff, who by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial Statutes.

“Gross Floor Area” means the sum total of the horizontal areas of the floors in a Lodging House, measured from the exterior faces of the exterior walls (or where calculated individually for one or more uses in a Lodging House measured from the centreline of the common wall separating the uses) and, where provided, shall include corridors, lobbies, half-storeys and areas occupied by interior walls or partitions, but shall not include any floor area located below Grade.

“Habitable Room” means a room in a Dwelling used, designed to be used or capable of being used for living, sleeping, cooking or eating purposes.

“Hospital” means any institution, land, Building or part of a Building, Structure or other premises or place established for the diagnosis or treatment of Persons afflicted with or suffering from sickness, disease or injury, including mental or nervous illness, or for the treatment of convalescent or chronically ill Persons.

“Hotel” means a Building, or part of a Building or group of Buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House.

The following terms are as defined in the City’s Zoning By-law 60-94, as from time to time amended:

(a) “Lodger”;

(b) “Lodging House”: and,

(c) “Lodging Unit”. (135-2021)

“Lot” means a parcel of land which is:

- a) shown as a lot or block on a registered plan of subdivision; or
- b) described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham.

“Lot Line” means any boundary of a Lot.

“Nursing Home” means a Building or part of a Building in which rooms or lodging are provided in conjunction with the provision of meals, personal care, nursing services and medical care and treatment, but does not include a Hospital.

“Owner” includes all Persons shown by the records in the Registry Office or the Land Titles Office to be the owner at law of the subject Property and also includes a Person who, alone or with others, or through others:

- a) Provides the services of a Lodging House;
- b) Is entitled to any income accruing from using, maintaining or operating a Lodging House;
- c) Manages or controls a Lodging House including, without limiting the generality of the foregoing, collecting or receiving rentals, fees or any other compensation paid by or on behalf of the Lodgers or potential Lodgers of the Lodging House; or
- d) Has responsibility for or control over the condition of a Lodging House, or the Property, or the activities carried on there or control over Persons authorized to enter that Property.

“Person” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and the heirs, executors or legal representatives of the Person to whom the context can apply according to law.

“Property” means the Lot on which a Lodging House sits.

“Provincial Offences Officer” has the same meaning as in the Provincial Offences Act.

“Rear Yard” means all of the yard on a lot which contains a Lodging House, which is situated behind the Lodging House and extends from one side lot line to the other side lot line.

“Retirement Home” means a residence providing accommodation primarily for Persons or couples of 65 years of age or over where each living unit has a private bedroom, a private Washroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

“Single Detached Dwelling” means a Building which is freestanding, separate and detached from other main Buildings or main Structures and which contains only a Dwelling Unit, but does not include a mobile home.

“Structure” means anything that is erected, and which is fixed to or supported by the soil, a Building or another Structure, but does not include a Building or fence.

“Washroom” means that part of a Building containing one or more of a toilet, urinal, bathtub, shower or washbasin.

#### **Section 4: Requirements to be Licenced**

- 4.1 No Person shall own, use, operate, maintain, be keeper of, rent, offer for rent or permit to be used, operated, maintained, rented or offered for rent a Lodging House, or any part thereof, as a business without first obtaining a licence therefor under the provisions of this By-law.
- 4.2 Where a licence has been issued under this By-law for the use, operation or maintenance of a Lodging House, no Person shall use, operate, maintain, be keeper of, rent, offer for rent or permit to be used, operated, maintained, kept, rented or offered for rent that Lodging House, or any part thereof, except in conformity with the terms and provisions of the licence and this By-law.

#### **Section 5: Licence Application**

- 5.1 The application for licences and the application for licence renewals under this By-law shall be submitted to Building Services on forms approved by the City and shall contain the information required by this Subsection. Notwithstanding the foregoing, where the application is for a renewal only of a licence, the following information need only be provided where it has changed from previous applications: (79-2004)

- a) The name and address of the Owner as shown on the records in the Land Registry Office or Land Titles Office for Durham Region, referred to in this By-law as the registered owner, and the telephone number of the Owner;
- b) If the registered owner is a corporation, the name, address and telephone numbers of all officers, directors and shareholders;
- c) If the registered owner is a corporation, its articles of incorporation;
- d) If the registered owner is a partnership, the name, address and telephone number of the individual members of the partnership;
- e) The name, address and telephone number of the keeper, manager or operator of the Lodging House if it is not the same as the registered owner;
- f) The location of the Lodging House including address and legal description;
- g) The number of Lodging Units available for Lodgers;
- h) The number of Washrooms available for use by Lodgers; and
- i) The number of parking spaces available for use by Lodgers.

5.2 The application for licences and the application for licence renewals under this By-law shall be submitted together with the following:

- a) A floor plan of the Building, including dimensions and the proposed use of each room and a site plan showing the location and dimensions of all parking spaces available on the Property;
- b) A statement from the Manager of By-law Enforcement of the City, or his/her designate, that the Building on the subject Property, and the contemplated use thereof, complies with the requirements of Subsections 6.1 a), c), j) and (if applicable) h) of this By-law;
- c) A statement from the Fire Chief, or his/her designate, that the Building on the subject Property complies with the requirements of Subsection 6.1 b) of this By-law;
- d) Subject to Subsection 6.2, the inspection certificates required in Subsection 6.1 d), e), and f);
- e) Acknowledgments in writing allowing the City and all appropriate authorities having jurisdiction, to enter the subject Property, including any Buildings or Dwellings or Lodging Units thereon, in order to conduct the necessary annual inspections of the subject Property to determine compliance with the requirements of this By-law to support licence issuance or renewal;
- f) An original Criminal Information Report (CIR) as required in Subsection 6.1 g) of this By-law;
- g) A true copy of the record of any business name used for the Lodging House under the Business Names Act;
- h) Proof of placement of insurance for the duration of the licence period having a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury. It shall be a requirement of the policy of insurance that the City be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;
- i) A statement from the Medical Officer of Health for Durham Region, or his/her designate, that the Building on the subject Property and the subject Property itself complies with all of the requirements of the Health Protection and Promotion Act and all of the regulations and by-laws thereunder, meets the minimum public health standards and does not pose a health hazard; and
- j) The applicable fees. (13-2003)

- 5.3 No Person shall knowingly give false information when applying for a licence under this By-law.
- 5.4 Where the applicant or licensee meets all of the requirements of this By-law, the Chief Building Official may grant a licence, or renewal, as the case may be.

## **Section 6: Licence Requirements**

6.1 No licence shall be issued and no licence shall be renewed unless:

- a) The use and intended use of the subject Property is permitted in accordance with the City's Zoning By-Law;
- b) The Building on the subject Property is in compliance with all standards which apply to the Building at the time of licence issuance or renewal as are prescribed by the Ontario Fire Code, O. Reg. 388/97;
- c) The Building and subject Property are in compliance with the City's Property Standards By-Law;
- d) An electrical inspection certificate is provided verifying the Building on the subject Property is in compliance with all standards which apply to the Building at the time of licence issuance or renewal as are prescribed by the Ontario Electrical Safety Code, O. Reg. 164/99;
- e) An inspection certificate has been provided from a heating contractor, duly qualified under the laws of the Province of Ontario, that the heating system in the Building on the subject Property is in safe working order;
- f) An inspection certificate from Fire Services of the City has been provided verifying that all carbon monoxide detectors installed on the subject Property are in working order;
- g) An original CIR from the Durham Regional Police has been provided dated not prior to 30 days before the date of licence application, showing no convictions under Parts V (Sexual Offences), VIII (Offences Against Persons) or IX (Offences against Property) of the Criminal Code of Canada, R.S.C. 1985, c. C-46, as amended, for the Owner and any proposed managers, operators or keepers of the subject Property;
- h) If required, a change of use permit under the Building Code Act 1992, S.O. 1992, c. 23, has been issued and any work required thereunder has been completed;
- i) The Lodging House complies with all of the requirements of this By-law;
- j) Any signs located on the subject Property are in compliance with the City's Sign By-law;
- k) Proof of placement of insurance for the duration of the licence period having a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury. It shall be a requirement of the policy of insurance that the City be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;
- l) The Medical Officer of Health for Durham Region, or his/her designate, has certified that the Building on the subject Property and the subject Property itself complies with all of the requirements of the Health Protection and Promotion Act and all of the regulations and by-laws thereunder, meets the minimum public health standards and does not pose a health hazard;
- m) The Lodging House is not located within 45 metres of another Lodging House. For the purposes of this subsection, the distance shall be measured from the perimeter of the Property for which the licence is sought to the perimeter of the next nearest Property on which a Lodging House is situated. Provided that, this paragraph m) shall not apply to those Properties where the business of a Lodging House was being carried on or engaged in at that location at the time this By-law first came into force; and

n) The fees have been paid. (13-2003)

6.2 Notwithstanding the provisions of Subsection 6.1, where an Owner has previously submitted the certificate required by Subsection 6.1 d), and where that certificate is less than five (5) years old, the Owner need not submit current certificates in that regard.

## **Section 7: Appeal**

7.1 Where the Chief Building Official believes, for any reason, that an applicant or licensee would be disentitled to a licence (or a renewal thereof) or an applicant or licensee should only be granted a licence (or a renewal thereof) subject to conditions, or a licence should be suspended or revoked, the Chief Building Official shall submit the application and all investigative reports to the COMMITTEE and no licence shall be granted except on order of Council. (79-2004, 110-2004)

7.2 In considering a matter under this Section, Council may impose any conditions it sees fit as a requirement of obtaining, continuing to hold or renewing a licence, including any condition which would otherwise contravene any other provisions of this By-law and, notwithstanding the generality of the foregoing, conditions may be imposed on the following grounds:

- a) To ensure the health and safety of any person;
- b) To control and abate nuisances;
- c) To protect consumers; and
- d) To ensure the business is carried on in accordance with the law or with honesty and integrity.

7.3 Council shall not make a decision under this Section without first affording the Person or applicant the opportunity to be heard before the Committee.

7.4 After such opportunity to be heard is afforded the Person or applicant, Council may make any decision in respect of which the hearing was held or the opportunity for hearing afforded without holding a further hearing or affording further opportunity for a hearing in such matter.

7.5 Where the Committee conducts a hearing in respect of any matter in this Section, the rules set out in The Statutory Powers Procedure Act shall apply to the Committee but those rules do not apply to Council in the exercise of its power of decision in respect to such matter.

7.6 At the conclusion of the hearing conducted by the Committee under this Section, the Committee shall, as soon as practicable, make a written recommendation, if any, to Council with reasons on the merits of the application or proposed revocation or suspension in respect of which the hearing has been conducted.

7.7 After considering the report of the Committee, Council may thereupon in respect of such application do any act or make any decision that it might have done, passed or made had it conducted the hearing itself.

7.8 Notice of the decision of Council may be given by mailing a copy thereof by prepaid certified mail to the Person or applicant at his last known address and, upon such mailing, any revoked, suspended or refused licence shall be deemed to be revoked, suspended or refused, as the case may be.

## **Section 8: Fees**

8.1 No application for a licence and no application for a licence renewal shall be accepted unless it is accompanied by the application fee. (13-2003)

8.2 No licence shall be issued under this By-law until the licence fee has been paid in full to the Chief Building Official. Where the licence fee is paid by cheque and the applicant's financial institution refuses to clear that cheque, any licence issued hereunder may be revoked as not meeting the requirements of this Subsection. (13-2003)

## **Section 9: Inspections**

- 9.1 Upon receipt of an application for a licence or licence renewal, inspections of the Lodging House will occur at the location named in the application to determine whether such Lodging House complies with this By-law.
- 9.2 The signature of the registered Owner and applicant (if different from the registered owner) on the application form shall be deemed as permission for authorized persons to enter the subject Property (and Buildings) named in the application at any reasonable time to carry out any inspections.
- 9.3 The applicant shall provide an authorization from each Lodger for permission for authorized Persons to enter all Lodging Units on the Property (at a time and day convenient to the City, the applicant and the Lodgers) for the purposes of conducting inspections under this By-law.
- 9.4 Every Lodging House shall be subject to an annual Fire Services and Property Standards inspection.
- 9.5 Subject to Subsection 9.6, a Provincial Offences Officer or By-law Enforcement Officer may (between the hours of 6 a.m. and 9 p.m. and upon producing proper identification) enter upon a Property and into Buildings without a warrant to inspect a Property for compliance with the provisions of this By-law.
- 9.6 Except under the authority of a search warrant, neither a Provincial Offences Officer nor a By-law Enforcement Officer shall enter any room or place actually used as a Dwelling, Dwelling Unit or Lodging Unit without requesting and obtaining the consent of the occupier, having first informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
- 9.7 No Person shall obstruct or attempt to obstruct a Provincial Offences Officer or By-law Enforcement Officer in carrying out a lawful inspection under this Section.

## **Section 10: Terms of the Licence**

- 10.1 All licences issued under this By-law shall expire on the 31<sup>st</sup> day of December of each year.
- 10.2 Where a licence is issued under this By-law, the licence shall be displayed in a prominent location inside the main entrance of the Lodging House together with a list of any conditions imposed upon the licence. The licence shall indicate the following:
  - a) The information set out in Subsection 5.1;
  - b) The maximum number of Lodging Units allowed on the Property;
  - c) The licence number;
  - d) The date of issue;
  - e) The date of expiry; and
  - f) The name of the Owner or, where the Owner does not reside in the City of Oshawa, the Owner's agent who does reside in the City of Oshawa, and sufficient information to enable immediate contact with that Owner or Owner's agent.
- 10.3 Every licence issued under this By-law is issued subject to the following conditions:
  - a) That the maximum number of Lodging Units as provided for in the licence is not exceeded;
  - b) That all Federal and Provincial laws and City By-laws, including this By-law, are complied with prior and subsequent to licence issuance; and
  - c) That no construction, renovation, alteration or addition is carried out on the subject Property except in compliance with all laws and upon the issuance of all applicable permits.

- 10.4 Every Owner shall keep and maintain the following written records for each Lodger and shall make these records available for inspection forthwith on the request of a By-law Enforcement Officer:
- a) The full name of the Lodger;
  - b) The address of the last place of residence prior to admission to the home;
  - c) The name, address and telephone number of the next of kin or, where there is no next of kin, the number of someone to contact in the event of an emergency; and
  - d) The Lodger's Ontario Health Card Number, if they possess one, and if the Lodger consents.
- 10.5 All of the records referred to in Subsection 10.4 are the property of the Lodger and, where the Lodger no longer resides in the Lodging House, shall be returned to the Lodger, forthwith, upon demand.
- 10.6 If, at any time after the issuance of a licence, the Owner or their agent, as the case may be, shall cease to reside in the City of Oshawa, the Owner shall, within seven (7) days of such cessation, file with the Chief Building Official, a signed consent and appointment appointing some other Person who is a resident of the City of Oshawa and who can supply a current CIR in compliance with the requirements of Subsection 6.1 g), as agent for the Owner.
- 10.7 Where the Owner has appointed a Person as agent, such Person shall, for the purposes of this By-law, be deemed to have full authority to act as agent of the Owner in respect of the operation of the Lodging House and shall be deemed to be an Owner.
- 10.8 Every Owner of a Lodging House shall provide a functioning telephone that is accessible to all Lodgers at all times for emergency use and shall post a list of local emergency numbers in close proximity to the telephone.
- 10.9 Every Owner of a Lodging House shall post a fire safety plan, approved by the Fire Chief for the City, or his/her designate, in a conspicuous place in the Lodging House.

### **Section 11: Revocation / Suspension**

- 11.1 No Person shall enjoy a vested right in the continuance of a licence and, upon issuance, renewal, cancellation or suspension, the licence shall remain the property of the City and Council may, by resolution, suspend or revoke any licence issued under this By-law, in its complete discretion.
- 11.2 The exercise of the discretion of Council to refuse, suspend, or revoke a licence under this By-Law shall be based on:
- a) the breach by an Owner of any By-law of the City, including this By-law, or any statute or regulation of the Province of Ontario including without limitation the Liquor Control Act, the Fire Prevention and Protection Act, the Fire Code and the Health Protection and Promotion Act or any statute or regulation of the Country of Canada, including without limitation the Criminal Code and the Controlled Drugs and Substances Act;
  - b) a breach of any of the By-laws, statutes or regulations as setout in subsection 11.2 a) by a Lodger while in a Lodging House or on a Property and while outside that Lodger's Lodging Unit;
  - c) the failure of an applicant or licence holder or Owner or Property to meet, at any time, any of the requirements of this By-law or any conditions imposed on a licence issued under this By-law;
  - d) the submission of false information filed in support of a licence or licence renewal;
  - e) the applicant or licence holder or Owner is incompetent in a manner that affects the safety, health or welfare of the public, including the safety, health or welfare of a Lodger;

- f) the applicant has been found to have discriminated against a member of the public or a Lodger contrary to the Human Rights Code in connection with the operation of a Lodging House;
- g) the protection of the health or safety of any Person;
- h) the control or abatement of nuisance;
- i) the protection of consumers; or
- j) upon the grounds that the conduct of any Person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the Person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

**Section 12: Lodging House Regulations**

- 12.1 No Person shall use or permit the use of an appliance in a Lodging Unit that may create a fire hazard.
- 12.2 No Owner shall permit a Person who has assaulted another Person while in a Lodging House or damaged the property of another Person while in a Lodging House to remain in that same Lodging House or on the Property.
- 12.3 No person shall occupy or permit the occupancy of, for sleeping purposes, any Cellar or any space used or designed to be used as a lobby, hallway, closet, bathroom, laundry room, stairway or kitchen or any room having a floor area of less than 80 square feet or any room being less than 7 feet 6 inches from the floor to ceiling.
- 12.4 No Person shall maintain, rent or offer for rent Lodging Units in a Lodging House, or any part thereof, in excess of the maximum number of Lodging Units permitted in the following table based on the Gross Floor Area of the Lodging House:

<b>Gross Floor Area of Lodging House</b>	<b>Maximum Number of Lodging Units Permitted</b>
0 – 140 m <sup>2</sup>	4
140.1 – 186 m <sup>2</sup>	5
186.1 – 233 m <sup>2</sup>	6
233.1 – 326 m <sup>2</sup>	7
326.1 – 465 m <sup>2</sup>	9
Over 465 m <sup>2</sup>	10

- 12.5 No Person shall own, use, operate, maintain, be keeper of, rent, offer for rent or permit to be used, operated, maintained, rented or offered for rent a Lodging House, or any part thereof, without maintaining on the Property at least 0.5 parking spaces for every Lodging Unit in the Lodging House and, where the Lodging House also contains a separate Dwelling unit, one (1) additional parking space.
- 12.6 Each parking space required under this By-law shall have a minimum width, length and adjoining aisle width as set out in the following table:

<b>Parking Angle (degrees)</b>	<b>Parking Space Width (m)</b>	<b>Parking Space Length (m)</b>	<b>Aisle Width (m)</b>
0 to 20	2.6	6.7	3.5
21 to 45	2.6	5.4	3.2
46 to 60	2.6	5.4	3.9
61 to 75	2.6	5.4	5.1

Parking Angle (degrees)	Parking Space Width (m)	Parking Space Length (m)	Aisle Width (m)
76 to 90	2.6	5.4	6.5

- 12.7 Notwithstanding subsection 12.6 to the contrary, the minimum parking space width shall be 3.0 metres where the side of any parking space is located adjacent to a solid wall, fence or like structure.
- 12.8 Provided that the requirements of subsections 12.5, 12.6 or 12.7, as applicable, shall not apply to a Property which has obtained a variance by the Committee of Adjustment for the City from any of the requirements set out in those subsections under the equivalent requirements of the City's Zoning By-law.
- 12.9 The Owner of a Lodging House shall erect and maintain a fence surrounding the entire Rear Yard of the Property, except that portion of the Rear Yard that is bounded by the main rear wall of the Lodging House, to form a continuous enclosure of the Rear Yard in accordance with the following minimum requirements:
- a) the fence shall extend from the ground to a height, measured on the outside of the fence, of not less than 1.5 metres;
  - b) the fence shall be of vertically boarded weather protected wood construction;
  - c) the fence shall have the vertical boarding attached to supporting members not less than 19 mm by 89 mm dimensions spaced not more than 40 mm apart;
  - d) the fence shall be supported by a minimum of 89 mm square or 89 mm diameter posts, spaced not more than 2.4 m on centres securely embedded to a minimum of 1.2 m below Grade. That portion of the wood post below Grade shall be treated with a wood preservative. Top and bottom horizontal rails shall be provided of wood 38 mm by 89 mm minimum dimensions; and
  - e) where a gate is erected at any point in the fence, such gate shall not exceed 1.2 m in width.
- 12.10 Every Lodging Unit shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space that admit natural light equal to not less than two and one half percent of the floor area of the Lodging Unit.
- 12.11 Every corridor, passageway, doorway, stairway and storage rooms (but not including service, utility and laundry rooms) or other room used or designed to be used in common by Lodgers in a Lodging House shall be provided with a minimum Level Of Illumination of 50 Lux (4.6 Foot candles).
- 12.12 Every Washroom and recreation room used or designed to be used by Lodgers in a Lodging House shall be provided with a minimum Level Of Illumination of 100 Lux (9.3 Foot candles).
- 12.13 Every service, utility and laundry room used or designed to be used by Lodgers in a Lodging House shall be provided with a minimum Level Of Illumination of 200 Lux (18.6 foot candles).
- 12.14 Every Lodging House shall be kept free from dampness and moisture.
- 12.15 Every Lodging House shall be kept free of pest infestation (including rodents, vermin and insects, reptiles, or other wild animals, pigeons, or other wild birds) at all times.
- 12.16 Every floor, wall, ceiling, furnishing, appliance, fixture and equipment in a Lodging House (including the interior of Lodging Units) shall be maintained in a clean and sanitary condition and free from rubbish, garbage, ashes, flammable materials and other debris.

### **Section 13: Offence / Penalties**

- 13.1 Every person who contravenes any of the provisions of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty

of an offence and on conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.

- 13.2 Where a corporation is convicted of an offence under subsection 13.1, the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in that subsection.

#### **Section 14: Administrative Penalties**

- 14.1 No Person shall fail to comply with any provision or standard of this By-law. (127-2022)
- 14.2 Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law. (81-2020)
- 14.3 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of the Lodging House Licensing By-law, and the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$250. If a Person receives an additional penalty notice for the same contravention of the Lodging House Licensing By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$350. If the Person receives a subsequent penalty notice for the same contravention of the Lodging House Licensing By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$450. If the Person receives any subsequent penalty notices for the same contravention of the Lodging House Licensing By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$450. (81-2020)

By-law read a first, second and third time and finally passed this twenty-first day of October, 2002.

2005 06 16

## **SCHEDULE "A" TO BY-LAW 94-2002**

- (a) The non-refundable application fee for a licence (new or renewal) is \$100.00
- (b) The licence fee for a new licence is \$250.00
- (c) In respect of an application for a licence renewal received prior to the expiry date of the licence or licence renewal, being the 31<sup>st</sup> day of December of any year, the licence fee for the subsequent year is \$250.00
- (d) In respect of an application for licence renewal received after the expiry date of the licence or licence renewal, being the 31<sup>st</sup> day of December of any year, the licence fee for the year is \$300.00.