

THE MUNICIPALITY OF HARRISON PARK

BY-LAW NO. 119

A by-law to provide for the licencing and regulation of short-term rentals.

The Council of the Municipality of Harrison Park in meeting duly assembled at Onanole, Manitoba enacts as a by-law the following:

Background and purpose

1. On December 15, 2021, in response to concerns raised by residents, Council passed a resolution to begin enforcement action respecting short-term rentals that are not permitted under the Zoning By-laws.
2. On February 2, 2022, Council approved the preparation of a Regulation Strategy calling for regulation of short-term rental accommodation in order to:
 - a) protect and promote the availability and affordability of long-term housing and rental supply;
 - b) support the tourism industry and locally available accommodation options; and
 - c) ensure neighbourhood compatibility of uses.
3. While the work being carried out as part of the Regulation Strategy continues and as a result Council has not yet determined all the actions to be taken under the Strategy, Council is of the view that it is in the best interests of the Municipality for the purposes set out in section 1 to provide for:
 - a) limiting the uncontrolled proliferation of short-term rentals; and
 - b) the licencing and control of short-term rentals on an interim basis.
4. The issuance of a licence under this by-law does not alter or change the status or treatment of a short-term rental under the Zoning By-laws.

Interpretation

5. This by-law may be referred to as *The Short-Term Rental By-law*.
6. In this by-law,

“Enforcement Officer” means the designated officer appointed by the Municipality for the enforcement of the Municipality’s by-laws.

“Licence Officer” means the designated officer appointed under this by-law to administer short term rental licences.

“short-term rental” means the use of all or part of a dwelling unit or a separate building on the same parcel to provide sleeping accommodations for a rental period that is less than 30 consecutive days in exchange for payment, but does not include bed and breakfasts, hotels or motels.

Licence required

7. After August 1, 2022, no person may use premises for short-term rental within the Municipality without first obtaining a licence under this by-law in respect of those premises.
8. Section 6 applies to short-term rentals for which contracts have been made prior to the passing of this by-law.
9. The holder of a licence under this by-law is not required to obtain a licence under the Business Licence By-law.
10. A licence is issued subject to the condition that the short-term rental must comply with this by-law.
11. The licence period shall be from its issuance to the end of the calendar year.
12. Provided that a licensee is not in violation of this by-law or the conditions pertaining to the licence, a licence may be renewed for the next year by application prior to December 15 and payment of the annual fee. An application received after that date will be considered as a fresh application.
13. The annual fee for a licence shall be \$200 per licence. Each short-term rental must have its own licence.
14. A licence is not assignable or transferable. If ownership of the premises changes, the new owner must apply for a licence.

Restriction on new operations

15. No application for a licence may be submitted and no licence may be issued for a short-term rental that was not in operation at those premises at any time during the period from January 1, 2021 to May 31, 2022.
16. Section 15 does not apply to premises in respect of which an approval under the Zoning By-law has been obtained permitting the operation of a short-term rental on the premises or to an operation that meets the Zoning By-law's requirements for Rental rooms.

Short-term rental regulations

17. No person may offer, advertise, operate, or provide sleeping accommodations for a rental period that is less than 30 consecutive days in exchange for payment in:
 - a) a motor vehicle, travel trailer, or tent;
 - b) a boat;
 - c) an unlawful residential unit; or
 - d) community housing.
18. Section 17.a. does not apply within campgrounds, commercial resorts or travel trailer and RV parks in lawful use.
19. A short-term rental may not be offered or advertised without a valid and subsisting licence, such licence to include a licence number to be displayed on:
 - a) all advertising; and
 - b) the front of the premises.
20. The premises in which a short-term rental occurs must comply with the Building By-law and Codes adopted under it.
21. An operator of short-term rental must disclose that fact to their home insurance provider and obtain adequate damage and liability coverage and must provide proof of coverage to the Licence Officer or enforcement Officer on request.
22. Guests or visitors at a short-term rental must not make, cause, or allow any noise nuisance. Guests and visitors at short-term rentals must comply with the Noise Nuisance By-law.
23. Adult guest maximum: The maximum number of overnight adult guests permitted in a short-term rental shall be two per legal bedroom.
24. A short-term rental must be provided with, entirely within the parcel on which it is located, at least one parking space for each short-term rental bedroom, such parking to be in accordance with the Zoning By-law.
25. Parking at a short-term rental premises shall be restricted as follows:
 - a) guests must park on the licenced premises;
 - b) no on-street parking of travel trailers, motor homes and the like that provide extra accommodation for the short-term rental;
 - c) Visitors may park on the street between 8:00 am and 11:00 pm.
26. The licensee must provide the Municipality with a minimum of two local contacts (one of whom must be the owner or licensee) who will be available to respond to phone calls within 15 minutes 24 hours a day during the period of any guest stay and at least

one contact must live within 30 kilometres of the premises. This contact information will be available to the public on the Municipality's website.

27. An advertisement for a short-term rental must disclose in respect of that short-term rental:
 - a) a valid licence number;
 - b) the maximum permitted guest occupancy; and
 - c) the number of off-street parking spaces available to guests and a statement (1) that number is the maximum number of vehicles that paying guests are permitted to bring to the premises and (2) that parking on municipal roads is not permitted.
28. A person carrying on a short-term rental must:
 - a) record the name, telephone number and vehicle licence number plate for every overnight guest, and
 - b) upon request, supply a copy of the guest register to the Municipality.
29. Short-term rentals are subject to inspection by the Licence Officer or Enforcement Officer upon reasonable notice.
30. On request by the Licence Officer or the Enforcement Officer, a licensee must provide booking records as produced directly from each online listing platform used to advertise the premises in the current calendar year.
31. Every person operating a short-term rental shall:
 - a) Maintain the short-term rental in a clean and sanitary condition, with adequate measures for storage and disposal of garbage and waste and sufficient levels of illumination to permit the safe use of the short-term rental. For the purposes of this subsection, adequate measures of the storage and disposal of waste shall mean a self-enclosed building, structure, or container, which is bear-proof and avoids attracting wildlife, located outside of the short-term rental, which is of a sufficient size that will store the garbage and waste generated by the premises until such garbage and waste is disposed of;
 - b) Ensure that the short-term rental is operated and used in such a fashion that the operation or use will not cause a breach or contravention of any current municipal by-law; and
 - c) Provide guests with a list of the short-term rental regulations provided for in sections 22, 23 and 25.

Application for a licence

32. An application for a licence may be made by the owner of the premises or a person authorized in writing by the owner. The application must include:
 - a) a completed and signed application in the form attached as a Schedule to this by-law;

- b) the documents referred to in the Schedule;
- c) information as to the operation of the short-term rental within the period from January 1, 2021 to May 31, 2022.
- d) proof that the applicant is at least 18 years of age, if the applicant is an individual;
- e) a photograph of the front of the short-term rental;
- f) a floor plan of the short-term rental;
- g) a declaration by the applicant that;
 - i. the short-term rental is not subject to an order made pursuant to the Municipal Act, Building and Mobile Homes Act, or Planning Act, and any by-law or regulation made under those Acts, including the Building Code;
 - ii. the short-term rental contains functioning smoke alarms, carbon monoxide alarms, fire extinguishers, and exits;
 - iii. all sleeping areas have proper means of egress as provided under the Building Code;
 - iv. all sleeping areas have smoke alarms that are interconnected to all other sleeping areas provided. The requirement for alarm interconnection must be met by no later than August 31, 2022;
 - v. the information submitted is accurate, truthful, and complete.
- h) the licence fee.

33. If the Licence Officer considers it necessary or desirable to do so in order to determine qualification for a licence, the Licence Officer may carry out, or have carried out, an inspection of the premises.

34. A licence is issued in the name of the owner, and where the applicant is not the owner, to the owner and the applicant jointly.

35. The owner and, where the applicant is not the owner, the applicant in whose name the licence is jointly issued must comply with this by-law and the licence issued under this by-law. The owner and non-owner applicant must ensure guests and visitors comply with the licence and requirements of this by-law that apply to short-term rental guests and visitors.

Licence Officer and Enforcement Officer

36. The Licence Officer shall be the person(s) appointed by the Municipality's Chief Administrative Officer.

37. The Licence Officer must:

- a) administer and enforce this by-law;
- b) keep records of applications and documents received, inspections made, licences and orders issued, and all other reports and documents connected with the Licence Officer's functions;
- c) examine and process applications; and

d) make inspections or require inspections of premises when the Licence Officer considers it necessary or desirable and with reasonable advance notice.

38. The Licence Officer has the powers, duties and functions of a designated officer under the Municipal Act including:
- a) the powers of inspection and enforcement under the Municipal Act;
 - b) the power to order a short-term rental to stop operation if a licence has not been obtained;
 - c) the power to revoke a licence if
 - i. it was issued in error,
 - ii. the applicant submitted false or misleading information,
 - iii. a condition under which the licence was issued has not been met,
 - iv. there is a contravention of the Noise Nuisance By-law or this by-law, or
 - v. there is an outstanding penalty or enforcement costs respecting the licence or any other licence issued to the licensee under this by-law.
39. The Enforcement Officer has the powers, duties and functions of a designated officer under the Municipal Act including:
- a) the powers of inspection and enforcement under the Municipal Act;
 - b) make inspections or require inspections of premises when the Enforcement Officer considers it necessary or desirable and with reasonable advance notice; and
 - c) enforce offences under the Municipal By-law Enforcement Act

Review

40. An owner, an applicant, or a holder of a licence may request council to review a decision or order of the Licence Officer, by giving a written notice to the Chief Administrative Officer within 14 days of receiving the decision or order.
41. Upon receiving a request for review, the Chief Administrative Officer must set a date, time and place for the review by council and notify the person of the date of the review.
42. Council will convene the review on the date and at the time and place set out in the notice. The person who made the request for review may appear in person or by counsel. After the review, council may confirm, vary, substitute or cancel the decision or order of the Licence Officer.

Eligibility following revocation

43. An owner or licensee whose licence has been revoked under this By-law may not apply for a licence until the end of the year following the calendar year in which the licence was revoked.

Penalty

44. It is an offence under this by-law to provide false information or make a false declaration in an application for a licence.
45. A person who contravenes this by-law, including a licensee, commits an offence and is liable to an administrative penalty under the Municipal By-law Enforcement Act.
46. Any costs of enforcing this by-law are, in addition to an administrative penalty, an amount owing to the Municipality by the person who caused the enforcement action to be taken, as well as an owner of the land and, where the applicant is not the owner, the applicant in whose name the licence is jointly issued and may be collected in the same manner as a tax may be collected or enforced under the Municipal Act.

**DONE AND PASSED AS A BY-LAW OF THE MUNICIPALITY OF HARRISON PARK,
IN COUNCIL DULY ASSEMBLED, AT ONANOLE, THIS 29th DAY OF JUNE, A.D.
2022.**

THE MUNICIPALITY OF HARRISON PARK



Craig Atkinson
Deputy Reeve



Chad Davies
Chief Administrative Officer



Read a first time this 13th day of June, 2022

Read a second time this 29th day of June, 2022

Read a third time this 29th day of June, 2022

SCHEDULE A

Application for Short-term Rental Licence (Required to be completed annually)

Applicant

Name: _____

Mailing Address: _____

Phone: _____

Email: _____

Owner (if different from applicant)

Name: _____

Mailing Address: _____

Phone: _____

Email: _____

Proposed Short-Term Rental Details:

Location: _____

Street Address

Community: _____

Zoning: _____

Type: Dwelling Bunkhouse/Guest House Secondary Suite

Number of Guest Rooms: _____

Local Contacts (must reside within 30km of short-term rental):

1. Name: _____ Phone: _____

Residence: _____

2. Name: _____ Phone: _____

Residence: _____

Required Documentation:

- Proof of Age – Applicant must be 18 years of age or older
- Written approval from Owner (*if not applicant*)
- Photograph of the front of the short-term rental
- Floor plan of short-term rental
- Information as to operation within the period from January 1, 2021 to March 31, 2022.

Fees Payable:

- \$200 – Short-term Rental Licence Fee
- \$27 – Land Titles search fee (*if applicable*)

Declaration:

I declare that:

- This short-term rental is not subject to an order made pursuant to *The Municipal Act, The Building and Mobile Homes Act, The Planning Act*, or any regulation made under those Acts, including the Building Code.
- The short-term rental contains functioning smoke alarms, carbon monoxide alarms, fire extinguishers, and exits.
- All sleeping areas have proper means of egress as provided under the Building Code.
- All sleeping areas have smoke alarms that are interconnected to all other sleeping area provided.
- The insurance provider is aware of the use of the property and that adequate damage and liability coverage are in place.
- The short-term rental is maintained in a clean and sanitary condition with adequate means of waste disposal that does not attract wildlife.

I declare that all information submitted in this application is accurate, truthful, and complete.

Signature of Applicant

Date

OFFICE USE ONLY:

Roll No.: _____

Legal Desc.: _____

Approved Rejected for the following reasons: _____

Fees Payable: \$200 – Licence Fee

\$27 – Land Titles search fee *(if applicable)*

Receipt No. _____