



City of Kingston
Report to Administrative Policies Committee
Report Number AP-24-015

To: Chair and Members of the Administrative Policies Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Laird Leggo, Manager, Licensing, Parking Operations and Policy
Date of Meeting: July 11, 2024
Subject: Short-term Rental By-Law Amendments

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

The purpose of this report is to propose amendments to By-Law Number 2021-10, "A By-Law to License and Regulate Short-term Rentals in the City of Kingston". The Short-term Rental By-Law has been in place since June 2021 and since that time staff have worked closely with short-term rental (STR) operators, internal staff, City partners, other municipalities and members of the public to gain a broader understanding of the changing landscape of STR regulations and their impacts to property owners and the community at large.

The amendments proposed in this report are to align with researched best practices in short-term rental licensing as well as lessons learned in the three years of operations. The amendments are also to assist with proactive enforcement strategies for unlicensed operators as well as reduce inefficiencies and increase overall compliance.

Recommendation:

That the Administrative Policies Committee recommends to Council:

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That a by-law be presented to amend By-Law Number 2021-10, “A By-Law to License and Regulate Short-term Rentals in the City of Kingston”, as amended, as per Exhibit A attached to Report Number AP-24-015; and

That a by-law be presented to amend By-Law Number 2005-10 “A By-Law to Establish Fees and Charges to be Collected By the Corporation of the City of Kingston”, as amended, to apply a system of licensing fees for Short-term Rental Brokerages as per Exhibit B attached to Report Number AP-24-015; and

That By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties”, as amended, be further amended, as per Exhibit C to Report Number AP-24-015; and

That Council authorize City staff to submit any required set fine applications to the Ministry of the Attorney General in relation to the proposed amendments to the Short-term Rental By-Law; and

That the Mayor and Clerk be authorized to execute any agreements that identify data sharing obligations of Short-term Rental Brokerages to the City of Kingston in a form acceptable to the Director of Legal Services.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	<input checked="" type="checkbox"/>

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Options/Discussion:

Background

Since June 1, 2021, the City of Kingston has been regulating short-term rentals through By-Law Number 2021-10, “A By-Law to License and Regulate Short-Term Rentals in the City of Kingston” (Short-Term Rental By-Law). Initially, the City retained LTAS Technologies Inc. to provide a compliance measurement service for the short-term rental by-law, however in 2022 Council directed staff not to extend the contract and related subscription services in favour of an in-house licensing program which included collection of the Municipal Accommodation Tax (MAT). Through Report AP-22-012, Council directed staff to provide Council with a progress report on the licensing program which was received through Report Number 23-169. Since that time, Council approved Administrative Monetary Penalties (AMPs) for short-term rentals (STRs) to promote compliance with the short-term rental by-law in a less time-consuming and resource-intensive manner while allowing staff to provide an immediate and tangible response to by-law violations.

Now that the in-house licensing program has been operational for three years, staff have had ample opportunity to work with and collect feedback from STR operators, navigate the application and internal review process, understand the regulations and their impacts to operators and neighbours, provide proactive and reactive enforcement responses, address resident complaints, and research best practices with other municipalities. As such, staff are recommending amendments to the by-law to incorporate these learnings and best practices.

Short-term Rental Licensing

As of June 1, 2024, the City has licensed 216 properties compared to 173 the previous year. The figures in the table below represent the application statuses:

Status	Total Applications
Active	216
Pending	17
Closed business for various reasons	23
File closed due to building permits/illegal secondary units	20

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Status	Total Applications
File closed due to zoning issues	3
File closed due to life safety issues	2

Licence files are closed for several reasons: property sales, change in mind about operating an STR, switch from short-term to long-term rentals, or converting to full time owner-occupied.

It is important to note that the files that are closed due to building, zoning and fire life safety issues can reapply once they are compliant and meet regulations. Applications that are pending are typically awaiting inspection by the internal inspection review team which is comprised of staff from Planning Services, Building Services, and Fire Inspectors from Kingston Fire & Rescue. Occasionally a file can remain in the pending status for several months as owners work to complete renovations and close building permits.

There is currently one dedicated licensing agent that oversees the STR portfolio. This staff person is responsible for receiving, reviewing, and circulating applications through the inspection review process, issuing licenses, renewals, working with STR operators and responding to complaints. This person also oversees enforcement efforts to bring unlicensed operators into compliance and works with by-law enforcement staff to investigate complaints regarding other by-law infractions including parking, noise, and property standards.

Municipal Accommodation Tax

The MAT is a mandatory rate on accommodations to be paid by visitors staying in Kingston hotels, motels, and bed & breakfasts for 30 days or less. In 2018, Council endorsed the implementation of a 4% MAT with an effective date of August 1, 2018. In January 2021, Council amended the MAT By-Law to include STRs effective June 1, 2021. In 2023, through Council Report 23-258, the MAT rate was increased from 4% to 5% for stays effective January 1, 2024.

In accordance with a tri-party agreement between the City of Kingston, Kingston Accommodation Partners (KAP) and Tourism Kingston (TK), KAP collects the MAT on behalf of the City on all accommodations except short-term rentals which are collected by City staff. The funds collected are to be redistributed between marketing/promotion (65%) and a Development Fund (35%). 65% of revenues collected from the MAT are used to support tourism marketing/promotion and administration.

The MAT is collected by STR operators at the time of booking and is self-remitted to the City on a quarterly basis through the City’s in-house MAT payment portal which was launched in July 2022. The due dates to file reporting and remittance requirements for MAT are outlined in the table below:

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Quarterly Period	Due Date
January 1 – March 31	April 30
April 1 – June 30	July 31
July 1 – September 30	October 31
October 1 – December 31	January 31

Revenues submitted for 2023 were a significant increase over 2022 revenues received. In total, approximately \$106,000 was submitted by STR operators in 2023. The funds collected by the City from short-term accommodations are subject to the same allocations of 65% (marketing/promotion and administration) and 35% (Development Fund) based on the existing terms of the MAT agreement.

Enforcement

The STR licensing program was originally directed by Council to have a voluntary compliance. Throughout the last two years, staff have taken a more proactive approach in identifying and reaching out to STR operators to explain the regulations and application process. Initially staff were able to establish accounts on the STR platforms to engage in the chat function with unlicensed operators. Since that time these platforms have implemented additional verification levels whereby account holders must enter valid government issued identification to access their account. Due to the extra level of validation and privacy concerns, staff have had to take different approaches to “scrub” the platforms to identify unlicensed operators.

As explained in Report 23-169, one such approach included using AirDNA Enterprises to identify vacation rental data, including the latitude and longitude of property locations. Using the AirDNA generated reports it was estimated that there are over 500 operators within City limits, however some of those listings have been inactive for over a year, some advertise properties for long-term rentals, and some are classified as hotels which are outside of the scope of the by-law. Staff were able to filter through the data to extrapolate properties that were active within the year and began the process of matching the latitude and longitude to active listings on the platforms. The process of scrubbing the platform using this data proved to be time consuming and labour intensive with inaccurate results and it was discovered that many of the properties were not easily identifiable and the locates were inaccurate. However, the efforts yielded approximately 155 properties worth investigating.

The investigation showed that several of these properties had listings with a limit of 31 days or more which would not fall within the short-term rental by-law, as short-term rentals are defined as “all or part of a Dwelling Unit used to provide sleeping accommodations for a period equal to or less than thirty (30) consecutive days in exchange for payment and includes a Bed and Breakfast”. Several property owners claimed that the property identified by the data was not their property, and several of the letters sent were returned to sender. In total, 117 enforcement letters were sent to property owners explaining the regulations and application process. Of

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those 117 letters, 60 property owners achieved compliance by removing their listing or setting it to a minimum 31-day listing, 44 applications were received, and 11 administrative penalties were issued to identifiable, non-compliant property owners following two notice letters. At the time of writing this report, staff continue to use proactive enforcement measures to contact property owners with mixed results.

Regulating Short-term Rental Brokerages

Enforcement efforts for identifying non-compliant short-term rental operators have proven to be time-consuming, resource-intensive, and inaccurate. Recently, some municipalities have taken the approach of regulating the brokerages (platforms) directly. This allows the municipality to enter into data sharing agreements with the brokerage whereby specific data from the platform is reported to the municipality at regular intervals and gives municipalities the necessary information required to enforce non-compliance in a timely and efficient manner. The draft by-law proposes a section in Part III which would implement regulations for brokerages to:

- Complete an application form with company information including a contact person
- Compel the company to sign an agreement with the City for the purposes of data sharing
- Report the following requirements
 - STR addresses
 - Operators contact information
 - Number of nights rented
 - Nightly and total price charged
 - Municipal Accommodation Tax charged on transaction
 - Number of complaints for each operator
 - Any other information required by the Director
- Maintain a system for receiving and responding to complaints
- Compel the company to remove listings identified by the City as noncompliant.

These regulations are anticipated to:

- Streamline enforcement efforts
- Increase overall compliance
- Reduce inefficiencies and increase staff capacity
- Compile more accurate data on STRs within the City
- Increase the number of licensed properties which increases the municipal accommodation tax revenues

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The table below provides information regarding examples of other municipalities who regulate short-term rental brokerages and their associated fees:

Municipality	Fees	Term	Administrative Monetary Penalties
Ottawa	Tier 1 < 100 Listings \$1025 Tier 2 101-500 \$2563 Tier 3 >500 \$5125 +\$58 Admin fee	3 years	No (Set fines)
Hamilton	\$5000	5 years	\$300 penalty fee
London	\$1069	1 year	\$500 penalty fee
Oakville	\$46,300	1 year	\$300 penalty fee
Toronto	Application fee \$5321.85 Per night booked \$1.06	Per application	No (Set fines)
Vaughan	Properties <10: \$334 initial, \$280 renewal 11-50: \$665 initial, \$560 renewal 51-100: \$3258 initial, \$2796 renewal >100: \$6637 initial, \$5592 renewal	1 year	\$500 penalty fee

Staff consulted with other municipalities and learned that platforms would withdraw their services from municipalities if the licensing process and fees were not worth their time and effort for the number of listings available by not allowing addresses with a specific postal code to list their property on that platform. With that in mind, staff are proposing a tiered system for fees as follows with three-year terms based on comparators with similar-sized municipalities, in scope of the size and scale of Kingston’s vacation rental market, and relative to the number of listings on each platform:

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Tier 1 (Less than 100 listings): \$500

Tier 2 (101+): \$1500

In anticipation of these by-law amendments, staff reached out to the platforms with the greatest number of listings, Airbnb and VRBO, to create awareness of these proposed changes. It is estimated that there are approximately five companies that would meet the definition of a short-term rental brokerage company with active listings within City limits. Other than Airbnb, these companies have less than 50 listings at any given time. There are approximately three other short-term rental brokerage companies with active listings in Ontario but none within Kingston, and staff will monitor those and other sites for changes.

Administrative Monetary Penalties

Through Report Number AP-23-016, Council approved the expanded use of Administrative Monetary Penalties (AMPs) for short-term rentals. As outlined in the table above, staff are now proposing AMPs for by-law violations relating to short-term rental brokerages. AMPs provide a more efficient, immediate, tangible and less resource-intensive response to enforcing by-law violations. The overall goal is to build positive working relationships with the brokerages before resulting to penalties, however having the mechanism available as a tool is a good enforcement practice.

The recommended AMPs include a \$300 penalty fee for:

- Operating a short-term rental brokerage without a licence.
- Marketing a short-term rental on an unlicensed short-term rental brokerage.

Staff are basing the recommended penalty amounts on a review of (a) similar AMPs under the City's existing by-laws, (b) similar AMPs in other municipalities and (c) the general severity of the by-law violation. As per the *Municipal Act, 2001*, the penalty amount of an AMP may not be punitive in nature and shall not exceed the amount reasonably required to promote compliance with a by-law.

Public Engagement

How we engaged:

A draft by-law and summary of proposed changes were provided for review on Get Involved Kingston from June 7 to June 21, 2024. All licensed short-term rental operators were invited to engage with the by-law online by commenting directly on the document or sharing feedback by phone, email or requesting a paper copy. Three targeted emails were used to share information about the project and encourage participation.

Who we heard from:

- The draft by-law received 1043 views

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- 116 participants visited the page through Get Involved Kingston
- 14 participants commented on the draft by-law
- 24 comments were received on the draft-by-law

The comments were reviewed and considered as part of the review of the by-law and the changes being presented. A summary of the comments are attached as Exhibit D.

Summary of Short-term Rental By-Law Amendments

- Section 1 – Definitions

The definition of Boarding, lodging or rooming house was added to clarify regulations as they relate to Lodging Houses, which are regulated through By-Law Number 2006-213.

The definition of Short-term Rental Brokerage was added to correspond with the regulations added in Part III of the draft below.

- Section 4 – Prohibitions

Clauses 4.3 and 4.4 were added to align with regulations for Short-term Rental Brokerage licences.

- Section 5 – Licensing Requirements (Operators)

The section regarding the licence term was amended to April 1 – March 31 for improved efficiency with renewals. The term was previously set to expire one year from the date of issuance, however this process created inefficiencies and difficulties managing renewals, especially without a database that has automatic renewal functionality.

Section 5.2 was amended to be more concise. The licensing database, CityView, creates a unique licence number for each property and licence issuance. All City business licenses are issued per location. Changing the wording in this section aligns with the current method although it is important to note that it does not impact the regulation or licence limits currently imposed.

Clause 5.6 was included to specify a best practice regarding non-transferrable licences.

- Section 6 – Licence Issuance (Operators)

Language was added to clarify non-compliance with relevant legislation beyond the issuance of orders.

Section 6.2 was included to clarify best practices regarding inspections to determine the safety of the short-term rental.

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- Section 7 – Regulations (Operators)

Currently there are no occupancy limits stated for short-term rentals renting out the entire unit for single detached dwellings, and any other dwelling types have a limit of three bedrooms and a maximum of four people. Based on feedback from operators and staff, occupancy limits were clarified for dwelling types and to be consistent with the Building Code and regulations pertaining to Lodging House licences, which are regulated under By-Law Number 2006-213. Reducing the occupancy limit to two people per bedroom to a total maximum of 10 people per booking is to navigate the increased fire safety requirements which vary by dwelling type, number of persons, etc. when the occupant load is greater than 10 persons.

Exemptions relating to children under two were clarified to respond to operator feedback, align with municipal benchmarks, and best practices.

Section 7.5 was amended to include a requirement for operators to follow all City by-laws, policies and any other applicable laws.

Language requiring operators to provide a link to the marketing materials was added to streamline enforcement efforts and reduce non-compliance.

Language regarding municipal accommodation tax was added to the required records for operators to align with current practices.

- Part III

Sections 8 through 10 were added to regulate Short-term Rental Brokerages (online platforms).

- Section 11 – Exemptions

Reference to the *Residential Tenancies Act* was included for clarity.

Existing Policy/By-Law

By-Law Number 2021-10, “A By-Law to License and Regulate Short-term Rentals in the City of Kingston

By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by the Corporation of the City of Kingston

By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties

Financial Considerations

The revenues generated from the fees charged will be added to the current operating revenues and budgeted for in the 2025 operating budget.

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Contacts:

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Other City of Kingston Staff Consulted:

Lisa Capener-Hunt, Director, Building Services & CBO

Izzy Goluch, Communications Officer

Jeff Walker, Manager, Taxation and Revenue

Jenna Morley, Counsel for the City of Kingston

Heather Woodland, Supervisor, Policy & Licensing

Exhibits Attached:

Exhibit A By-Law to Amend By-Law Number 2021-10

Exhibit B By-Law to Amend By-Law Number 2005-10

Exhibit C By-Law to Amend By-Law Number 2020-69

Exhibit D Public Engagement Summary

City of Kingston By-Law Number 2024–XXX

By-Law to Amend City of Kingston By-Law Number 2021-10, A By-Law to License and Regulate Short-term Rentals in the City of Kingston

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On January 12, 2021, council for the City (“**council**”) enacted *City of Kingston By-Law Number 2021-10, “A By-Law to License and Regulate Short-term Rentals in the City of Kingston”*.

Council considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2021-10*:

Therefore, council enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2021-10, A By-Law to License and Regulate Short-term Rentals in the City of Kingston*, is amended as follows:

- (a) by adding the following heading immediately before the “Definitions” section: “**PART 1 – DEFINITIONS, ADMINISTRATION & INTERPRETATION**”;

By-Law to Amend By-Law Number 2021-10

- (b) by adding the following definition of “Boarding, Lodging or Rooming House” in subsection 1.1:
- “**Boarding, Lodging or Rooming House**” means a building,
- a. that has a building height not exceeding three (3) storeys and a building area not exceeding 600 square metres,
 - b. in which lodging is provided for more than four (4) persons in return for remuneration or for the provision of services or for both, and
 - c. in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants;”;
- (c) the definition of “Director” in subsection 1.1 is amended by deleting the words “Director of Building and Enforcement Services” and replacing them with the words “Director of Licensing and Enforcement Services”;
- (d) the definition of “Licensing and Enforcement Division” and “Division” is amended by deleting the words “Planning Services Department, Community Services Group” and replacing them with the words “Growth & Development Services”;
- (e) by adding the following definition of “Short-term Rental Brokerage” in subsection 1.1:
- “**Short-term Rental Brokerage**” means any Person who facilitates or brokers or Markets or causes to be Marketed or assists in any capacity in the booking process of a Short-term Rental reservation for others, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, provided such Person collects, handles or receives a payment, fee, compensation or other financial benefit as a result of, or in connection with, the Short-term Rental;”;
- (f) subsection 2.4 is amended by deleting the words “of this By-Law” and replacing them with the following: “or Section 9 of this By-Law, as applicable,”;
- (g) by adding the following as subsection 2.10:
- “2.10 All Licence fees payable pursuant to this By-Law are non-refundable.”;
- (h) by adding the following after subsection 4.3:

By-Law to Amend By-Law Number 2021-10

- “4.4 No Person shall carry on the business of a Short-term Rental Brokerage without holding a valid Licence issued under the provisions of this By-Law.
- 4.5 No Person shall Market a Short-term Rental with an unlicensed Short-term Rental Brokerage.

PART II – SHORT-TERM RENTAL OPERATOR”;

- (i) subsection 5.1 is amended by deleting the words “This By-Law” and replacing them with the words “This Part”;
- (j) subsection 5.2 is deleted in its entirety and replaced with the following:
- “5.2 An Operator shall not hold more than two (2) Licences and shall not operate or permit the operation of more than two (2) Short-term Rentals at any time, either individually as a natural person or as an officer or director of a corporation that holds a Licence.”;
- (k) subsection 5.3 is amended by deleting the words “this By-Law” and replacing them with the words “this Part”;
- (l) subsections 5.4 and 5.5 are deleted in their entirety and replaced with the following:
- “5.4 A Licence under this Part is valid for a maximum of one (1) year from the date of issuance to March 31, and may be renewed prior to March 31 by paying the applicable annual Licence fee.
- 5.5 A Licence issued under this Part shall expire if it is not renewed by the date required in Section 5.4 above.
- 5.6 A Licence issued under this Part cannot be assigned or transferred from the Operator to another Person.”;
- (m) subsection 6.1 is amended by adding the following after the words “The Director shall issue or renew a Licence”: “under this Part”;
- (n) clause 6.1(a) is amended by adding the following after the words “in accordance with applicable”: “provisions of this”;
- (o) subsection 6.1 is amended by adding the following after clause (d) and by re-lettering the balance of subsection 6.1 accordingly:

By-Law to Amend By-Law Number 2021-10

- “e. the Short-term Rental and/or the Operator is not otherwise compliant with all applicable law, including the *Building Code Act* and any regulations made under it, including the Building Code, and the *Fire Protection and Prevention Act* and any regulations made under it, including the Fire Code; or”;
- (p) by adding the following after subsection 6.1 and by renumbering the balance of section 6 accordingly:

 - “6.2 Where the Director is of the opinion that an inspection of the Dwelling Unit or part thereof that is proposed to be used as a Short-term Rental is required, such inspection shall be carried out in accordance with Section 12 of this By-law and no Licence shall be issued or renewed until all matters identified in the inspection have been remedied to the satisfaction of the Director.”;
- (q) by deleting subsections 7.1 and 7.2 in their entirety and replacing them with the following:

 - “7.1 If a Short-term Rental is being rented by the room, no more than three (3) rooms shall be individually rented, to a maximum of four (4) occupants in the aggregate.
 - 7.2 No Operator shall permit more than two (2) occupants in each bedroom within a Short-term Rental, provided that children aged two (2) years old or younger shall not be included in this restriction, and no Operator shall permit more than ten (10) occupants rented under a single booking within a Short-term Rental.”;
- (r) subsection 7.6 is amended by adding the following clause (d):

 - “d. provide the Division with a link to the medium or material used to Market the Short-term Rental.”;
- (s) subsection 7.7 is amended by adding the following as clause (c) and by re-lettering the balance of subsection 7.7 accordingly:

 - “c. The total municipal accommodation tax charged and collected;”;
- (t) by adding the following as subsection 7.9:

 - “7.9 Every Operator shall collect and remit municipal accommodation

By-Law to Amend By-Law Number 2021-10

tax in accordance with City of Kingston By-Law Number 2018-95.”;

- (u) by adding the following after subsection 7.9 and by renumbering the balance of the by-law accordingly:

“PART III – Short-term Rental Brokerage

8 Licensing Requirements

- 8.1 A Licence issued under this Part is valid for a maximum period of three (3) years and will expire on March 31 of the applicable period. The Licence may be renewed every three (3) years prior to March 31 by paying the applicable Licence fee.
- 8.2 A Licence issued under this Part shall expire if it is not renewed by the date required in Section 8.1 above.
- 8.3 A Licence issued under this Part cannot be assigned or transferred from the Short-term Rental Brokerage to another Person.

9 Licence Issuance

- 9.1 The Director shall issue or renew a Licence under this Part to any Person who meets the requirements of this By-Law, except where:
- a. the past conduct of the Person affords the Director reasonable grounds to believe that the Person has not or will not carry on the Short-term Rental Brokerage in accordance with applicable provisions of this By-Law; or
 - b. the Director reasonably believes that the issuing of a Licence to a Person could be adverse to the public interest.
- 9.2 Any Person seeking to obtain a Licence under this Part shall provide:
- a. a completed application in the form prescribed by the Director including setting out such information and attaching such additional documentation as may be required by the Director including:
 - i) the full name of the applicant,

By-Law to Amend By-Law Number 2021-10

- ii) if the applicant is a corporation, the relevant duly certified incorporating documents and an updated certified copy of an annual return;
 - iii) if the applicant is a partnership, certified documents indicating the name of the partnership and the names and addresses of each partner; and,
 - iv) any other information required by the Director;
 - b. proof that the applicant is eighteen (18) years of age or older;
 - c. the address of a place of business in the Province of Ontario, which is not a post office box, to which the Director may send during business hours any notice or documentation or communication that may be required under this By-Law and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication;
 - d. the name, telephone number and email address of a designated representative;
 - e. the applicable fee as prescribed by the Fees and Charges By-Law; and
 - f. an up-to-date listing of every Short-term Rental being made available by the applicant within the jurisdictional boundaries of the City of Kingston, as at a date that is no later than seven (7) days from the date of the Licence application.
- 9.3 If required by the City, an applicant under this Part shall execute, prior to obtaining a licence, an agreement with the City governing the collection, use, disclosure, and retention of information on Short-term Rentals, hosts, and guests, on terms satisfactory to the Director.
- 9.4 The Director may, when issuing or renewing a Licence, or at any time the Director deems appropriate, impose such terms or conditions on the Licence as the Director considers appropriate.
- 9.5 A Short-term Rental Brokerage shall notify the Director, in writing, within fourteen (14) days of any change to the information or documentation submitted with the Short-term Rental Brokerage's application, and as soon as is practicable, provide such updated information or documentation as may be required by the Director.

By-Law to Amend By-Law Number 2021-10

10 Regulations

10.1 Every Short-term Rental Brokerage shall:

- a. remit to the Director the records required pursuant to this Part every three (3) months following the date of Licence issuance;
- b. make available to the Director the records or information required pursuant to this Part for a specific municipal address within forty-eight (48) hours following a request to do so;
- c. have and maintain a system for receiving and responding to complaints from the public;
- d. convey any communications issued by the Director that relate to matters of municipal regulation to all hosts in a format and manner prescribed by the Director;
- e. keep a record of each concluded transaction in relation to a Short-term Rental listed or advertised on its platform within the geographic boundaries of the City of Kingston for three (3) years following the last day of the rental period. A transaction is concluded on the last day of the rental period. The records retained shall include the following:

- i. the name, address, licence number of the Short-term Rental Operator, and email contact information;
- ii. the number of nights the Short-term Rental was rented;
- iii. the nightly and total price charged for the Short-term Rental;
- iv. the municipal accommodation tax charged on the transaction; and
- v. the total number of complaints received by the Short-term Rental Brokerage in respect of each Short-term Rental Operator; and any other information required by the Director.

10.3 Within forty-eight (48) hours after written request from the Director, every Short-term Rental Brokerage shall remove from its platform any Short-term Rental listings identified by the City for removal.

10.4 No Short-term Rental Brokerage shall impose any term or condition or type of requirement on any Person, including a Short-term Rental Operator or guest using its platform or services, that prevents or hinders the ability of the City to enforce its by-laws.

By-Law to Amend By-Law Number 2021-10

PART IV – EXEMPTIONS, ENFORCEMENT, AND GENERAL”;

- (v) the former subsection 8.1 (Exemptions) is amended by deleting clause (j) and replacing it with the following:
 - “j. a Boarding, Lodging or Rooming House; or
 - k. accommodations rented out to tenants in accordance with the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17.”;
- (w) the former section 9 (Enforcement) is amended by replacing all references to Section 9 with Section 12;
- (x) the former section 10 (Orders) is amended by replacing all references to Section 10 with Section 13; and
- (y) the former section 11 (Offence and Penalty Provisions) is amended by replacing all references to Section 11 with Section 14.

2. Coming into Force

- 2.1 This by-law will come into force and take effect on the day it is passed.

By-Law to Amend By-Law Number 2021-10

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

City of Kingston By-Law Number 2024-XX

By-Law to Amend City of Kingston By-Law Number 2005-10 “A By-Law to Establish Fees and Charges to be Collected by the Corporation of the City of Kingston”

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On December 14, 2004, council for the *City* (“**council**”) enacted *City of Kingston By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by the Corporation of the City of Kingston”*.

Council for the City considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2005-10*;

Therefore, council enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2005-10* is amended as follows:

- (a) Schedule S, Licensing & By-Law Enforcement, Business Licences, is amended by adding the following in alphabetical order:

Fee Description	Unit	Fee
-----------------	------	-----

By-Law to Amend By-Law ...--..

Short-term Rental Brokerage - Tier 1	Less than 100 listings	\$500
Short-term Rental Brokerage - Tier 2	101+ listings	\$1500

2. Coming into Force

2.1 This by-law will come into force and take effect on the day it is passed.

1st Reading date

2nd Reading date

3rd Reading date

Passed date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

City of Kingston By-Law Number 2024-XX

By-Law to Amend City of Kingston By-Law Number 2020-69 “A By-Law to Establish a Process for Administrative Penalties”

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On April 7, 2020, council for the City (“**council**”) enacted *City of Kingston By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties”*.

Council for the City considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2020-69*;

Therefore, *council* enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2020-69* is amended as follows:

- (a) Schedule B is amended by adding the following short form wording and penalty amounts in numeric order:

By-Law Number 2021-10, “Short-term Rental By-Law”		
By-Law Section	Short Form Wording	Penalty Amount

By-Law to Amend By-Law ...--..

4.3	Operating a short-term rental brokerage without a licence	\$300.00
4.4	Marketing a short-term rental with an unlicensed short-term rental brokerage	\$300.00

2. Coming into Force

2.1 This by-law will come into force and take effect on the day it is passed.

1st Reading date

2nd Reading date

3rd Reading date

Passed date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Summary of Highlights – Short-term Rental By-Law

This document is being provided for reference purposes to highlight the proposed changes to By-Law Number 2018-95, “A By-Law to License and Regulate Short-term Rentals in the City of Kingston”, as amended.

This is not meant to be an exhaustive list as some changes were grammatical or administrative in nature and not included below.

Section 1 – Definitions

The definition of Boarding, lodging or rooming house was added to clarify regulations as they relate to Lodging Houses, which are regulated through By-Law Number 2006-213.

The definition of Short-term Rental Brokerage was added to correspond with the regulations added in Part II of the draft below.

Section 4 – Prohibitions

Clauses 4.3 and 4.4 were added to align with regulations for Short-term Rental Brokerage licences.

Section 5 – Licensing Requirements (Operators)

The section regarding the licence term was amended to April 1 – March 31 for improved efficiency with renewals.

Section 5.2 was amended to be more concise.

Clause 5.6 was included to specify a best practice regarding non-transferrable licences.

Section 6 – Licence Issuance (Operators)

Language was added to clarify non-compliance with relevant legislation beyond the issuance of orders.

Section 6.2 was included to clarify best practices regarding inspections to determine the safety of the short-term rental.

Section 7 – Regulations (Operators)

Occupancy limits were clarified for dwelling types and to be consistent with the Building Code and regulations pertaining to Lodging House licences.

Exemptions relating to children under two were clarified to align with municipal benchmarks and best practices.

Language requiring operators to provide a link to the marketing materials was added to streamline enforcement efforts and reduce non-compliance.

Language regarding municipal accommodation tax was added to the required records for operators to align with current practices.

Part III

Sections 8 through 10 were added to regulate Short-term Rental Brokerages (online platforms).

Section 11 – Exemptions

Reference to the *Residential Tenancies Act* was included for clarity.

001

002

#001

Posted by **Anonymous** on **06/13/2024** at **10:07am** [Comment ID: 701] - [Link](#)

Comment

Agree: 0, Disagree: 0

I see no issues with the proposed changes.

It has been helpful having the city licensing involved - I have better peace of mind having had a fire inspector at our house.

#002

Posted by **Sandy Casella** on **06/13/2024** at **1:32pm** [Comment ID: 702] - [Link](#)

Comment

Agree: 0, Disagree: 0

I have reviewed and have no comments to add



City Of Kingston

Ontario

By-Law Number 2021-10

**A By-Law to License and Regulate Short-term Rentals
in the City of Kingston**

(Also referred to as “Short-term Rental Licensing By-Law”)

Passed: January 12, 2021

Takes Effect as of June 1, 2021

Amending By-Laws:

By-Law 2022-109	July 12, 2022
By-Law 2023-196	November 7, 2023

(Office Consolidation)

City of Kingston By-law Number 2021-10**“Short Term Rental Licensing By-Law”**

Index	Section
Definitions	1.0
Administration	2.0
Interpretation	3.0
Prohibitions	4.0
Licensing Requirements – Short-term Rental Operator	5.0
Licence Issuance – Short-term Rental Operator	6.0
Regulations	7.0
Licensing Requirements – Short-term Rental Brokerage	8.0
Licence Issuance – Short-term Rental Brokerage	9.0
Regulations – Brokerage	10.0
Exemptions	11.0
Enforcement	12.0
Orders	13.0
Offence and Penalty Provisions	14.0
Validity	15.0
Short Title of By-Law	16.0
Commencement	17.0

By-Law Number 2021-10**A By-Law to License and Regulate Short-term Rentals in the City of
Kingston****Passed:** January 12, 2021

Whereas Section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass By-Laws respecting: health, safety and well-being of persons; protection of persons and property, including consumer protection; and business licensing; and

Whereas Section 151(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that, without limiting Sections 9, 10 and 11 of the Act, a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence, or revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold, or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold, or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and

Whereas section 434.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended from time to time, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-Law of the municipality passed under that Act; and 001

Whereas Section 429(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a By-Law of the municipality passed under the Act; and

Whereas the Council of The Corporation of the City of Kingston considers it necessary and desirable to regulate Short-term Rentals;

#001

Posted by **Randall Mileski** on **06/10/2024** at **5:06pm** [Comment ID: 692] - [Link](#)

Comment

Agree: 0, Disagree: 0

It would be helpful if the City clearly outlined its policy with respect to fine: i.e. late by ___ days; one warning by email issued; etc. "as the municipality consider appropriate" opens the City to subjective fines rather than clearly stated ones.

Therefore Be It Resolved That the Council of The Corporation of the City of Kingston enacts as follows:

PART I – DEFINITIONS, ADMINISTRATION & INTERPRETATION

1 Definitions

1.1 For the purposes of this By-Law:

“Administrative Penalty” means an administrative penalty administered pursuant to the Administrative Penalty Process By-Law;

“Administrative Penalty Process By-Law” means “By-law 2020-69 of the Corporation of the City of Kingston being “A By-Law to Establish a Process for Administrative Penalties;”

“Appeals Committee” means a committee duly appointed by by-law to conduct hearings under this By-Law;

“Bed and Breakfast” means an operator-occupied detached dwelling offering short-term lodging for compensation to the travelling and vacationing public, in which guest rooms or suites may include a private bath, but do not include cooking facilities;

“Boarding, Lodging or Rooming House” means a building,

- a. that has a building height not exceeding three (3) storeys and a building area not exceeding 600 square metres,
- b. in which lodging is provided for more than four (4) persons in return for remuneration or for the provision of services or for both, and
- c. in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants;

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c.23;

“Building Code” means Ontario Regulation 332/12 established under the *Building Code Act*;

“City” means the geographic boundaries of Kingston, Ontario;

“City of Kingston” mean The Corporation of the City of Kingston;

“Council” and **“City Council”** mean the Council of the City of Kingston;

“Director” means the Director of Licensing and Enforcement Services for the City of Kingston, or his or her designate, or, in the event of organizational changes, the director of the appropriately titled department;

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Fees and Charges By-Law” means City of Kingston By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston;”

“Fire Protection and Prevention Act” means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4;

“Fire Code” means Ontario Regulation 213/07 established under the *Fire Protection and Prevention Act*;

“Licence” means a licence issued under this By-Law;

“Licensing and Enforcement Division” and **“Division”** means the Licensing and Enforcement Division, Growth & Development Services or, in the event of organizational changes, another unit designated by Council to carry out the Division’s responsibilities for the administration and enforcement of this By-Law;

“Market” means to offer, promote, canvass, solicit, advertise, or facilitate a -Short-term Rental accommodation, and includes placing, posting or erecting advertisements, either physically or online and **“Marketing”** has the corresponding meaning;

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25;

“Officer” means any person who has been assigned the responsibility of administering and enforcing this By-Law and includes a Provincial Offences Officer, a Municipal Law Enforcement Officer, and an Officer of the Kingston Police or other police force assisting the Kingston Police;

“Operator” means any Person who operates or permits the operation of a -Short-term Rental;

“Penalty Notice” means a notice given pursuant to sections 2.2 and 2.4 of “By-Law 2020-69 of the Corporation of the City of Kingston being “A By-Law to Establish a Process for Administrative Penalties

“Person” means an individual, a corporation, a partnership, a sole proprietorship or an association;

“Property Standards By-Law” means City of Kingston By-Law Number 2005-100, enacted under Section 15.1 of the *Building Code Act* that prescribes minimum standards for the maintenance and occupancy of property within the Municipality;

“Short-term Rental” means all or part of a Dwelling Unit used to provide sleeping accommodations for a period equal to or less than thirty (30) consecutive days in exchange for payment, and includes a Bed and Breakfast;

“Short-term Rental Brokerage” means any Person who facilitates or brokers or Markets or causes to be Marketed or assists in any capacity in the booking process of a Short-term Rental reservation for others, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, provided such Person collects, handles or receives a payment, fee, compensation or other financial benefit as a result of, or in connection with, the Short-term Rental;

“Zoning By-Law” means a By-Law enacted by the City of Kingston under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13.

2 Administration

- 2.1 The City of Kingston’s Licensing and Enforcement Division is responsible for the administration of this By-Law.
- 2.2 Every application for a new Licence or a renewal of an existing Licence shall be submitted to the Division in the form as prescribed by the Director.
- 2.3 Every application for a new Licence or a renewal of an existing Licence shall be accompanied by the full Licence fee, as set out in the Fees and Charges By-Law.
- 2.4 The Division shall review each complete application in accordance with Section 6 or Section 9 of this By-Law, as applicable, and shall grant or refuse to issue a Licence and shall notify the applicant of its decision in writing.

- 2.5 A Person whose application for a new Licence or a renewal of an existing Licence has been refused, or a Person whose Licence has been suspended or revoked, may, within fifteen (15) days of being notified of the refusal, suspension or revocation, as the case may be, submit an application to appeal to the Appeals Committee for a review of the decision.
- 2.6 An application to appeal shall be submitted in writing OR in the form prescribed by the Director to the Clerk's office, and shall be accompanied by the full appeal fee, as set out in the Fees and Charges By-Law. 004
- 2.7 On appeal, the Appeals Committee has the power to affirm the decision of the Division to refuse, suspend or revoke the Licence, or to direct the Division to issue, renew or reinstate the Licence.
- 2.8 The Appeals Committee may, when reviewing a denied, suspended or revoked Licence, impose such terms or conditions on the Licence as the Appeals Committee considers appropriate.
- 2.9 Decisions of the Appeals Committee are final.
- 2.10 All Licence fees payable pursuant to this By-Law are non-refundable.

3 Interpretation

- 3.1 This By-Law shall not be interpreted as exempting any Person from the requirement to comply with any other City By-Law or federal or provincial legislation. In the event of conflict between the provisions of this By-Law and any other City of Kingston By-Law, the provision that establishes the higher standard of health, safety and well-being of persons and protection of persons shall apply.
- 3.2 Any reference herein to any By-Law or Act of any government shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto then in force.

#002

Posted by **Karen Matthews** on **06/10/2024** at **2:40pm** [Comment ID: 682] - [Link](#)

Comment

Agree: 0, Disagree: 0

2.6 - If someone has been refused and wishes to appeal the decision I feel that it is unfair to ask for a fee to make an appeal. It seems to me that this is charging to clarify or ask a question to reconsider their application. I would prefer to see a softer process in place.

#003

Posted by **Karen Matthews** on **06/10/2024** at **2:40pm** [Comment ID: 683] - [Link](#)

Comment

Agree: 0, Disagree: 0

2.6 - If someone has been refused and wishes to appeal the decision I feel that it is unfair to ask for a fee to make an appeal. It seems to me that this is charging to clarify or ask a question to reconsider their application. I would prefer to see a softer process in place.

#004

Posted by **Karen Matthews** on **06/10/2024** at **2:41pm** [Comment ID: 684] - [Link](#)

Comment

Agree: 0, Disagree: 0

2.6 - If someone has been refused and wishes to appeal the decision I feel that it is unfair to ask for a fee to make an appeal. It seems to me that this is charging to clarify or ask a question to reconsider their application. I would prefer to see a softer process in place.

4 Prohibitions

- 4.1 No Person shall Market or permit the Marketing of a Short-term Rental without holding a valid Licence issued under the provisions of this By-Law.
- 4.2 No Person shall operate or permit to be operated a Short-term Rental without holding a valid Licence issued under the provisions of this By-Law.
- 4.3 No person shall carry on the business of a Short-term Rental Brokerage without holding a valid Licence issued under the provisions of this By-Law.
- 4.4 No Person shall Market a Short-term Rental with an unlicensed Short-term Rental Brokerage.
- 4.5 No Person shall knowingly submit an application for a Licence that contains false, misleading or deceptive information.

PART II – Short-term Rental Operator

5 Licensing Requirements

- 5.1 This Part applies to every Short-term Rental in the City of Kingston except that section 5.2 shall not prevent the renewal of a Licence to operate or permit the operation of more than two Short-term Rentals if:
 - a. the Licence to operate or permit the operation of such Short-term Rentals was issued pursuant to a complete application submitted to the Division in the form prescribed by the Director prior to the passage of By-Law Number 2022-109; and
 - b. the Licence has not expired.

(By-Law 2021-10; 2022-109)

- 5.2 An Operator shall not hold more than two Licences and shall not operate or permit the operation of more than two Short-term Rentals at any time, one per licence, either individually as a natural person or as an officer or director of a corporation that holds a Licence. 005

(By-Law 2021-10; 2022-109)

- 5.3 Any Person seeking to obtain or renew a Licence under this Part shall:
 - a. be the intended Operator of the Short-term Rental;
 - b. be the registered owner(s) of the Short-term Rental, as identified on

#005

Posted by **Randall Mileski** on **06/10/2024** at **5:09pm** [Comment ID: 693] - [Link](#)

Comment

Agree: 2, Disagree: 0

I don't disagree with this line item, but some language to define the City's intent here would help. Why two? Not three? Not one?

the parcel register from the Land Registry Office;

- c. complete an application in the form prescribed by the Director, including setting out such information and attaching such additional documentation as may be required by the Director;
- d. submit a completed application to the City's Licensing and Enforcement Division; and
- e. pay the applicable fee as prescribed by the Fees and Charges By-Law. 008

5.4 A Licence under this Part is valid for a maximum of one (1) year from the date of issuance to March 31, and may be renewed prior to March 31 by paying the applicable annual Licence fee. 007

5.5 A Licence issued under this Part shall expire if it is not renewed by the date required in Section 5.4 above.

5.6 A Licence issued under this Part cannot be assigned or transferred from the Operator to another Person. 006

6 Licence Issuance

6.1 The Director shall issue or renew a Licence under this Part to any Person who meets the requirements of this By-Law, except where:

- a. the past conduct of the Person affords the Director reasonable grounds to believe that the Person has not or will not carry on the Short-term Rental business in accordance with applicable provisions of this By-Law;
- b. the Director reasonably believes that the issuing of a Licence to a Person could be adverse to the public interest;
- c. the lot on and/or building in which the Short-term Rental is situated is subject to an order, or orders, made pursuant to (or by):
 - i) the Property Standards By-Law;
 - ii) the *Building Code Act* or any regulations made under it, including the Building Code;
 - iii) the *Fire Protection and Prevention Act* or any regulations made under it, including the Fire Code;
 - iv) Kingston, Frontenac, Lennox & Addington (KFL&A) Public Health; or
 - v) the Ministry of Environment, Conservation and Parks;

#006

Posted by **Andrew Isaac** on **06/21/2024** at **11:20am** [Comment ID: 704] - [Link](#)

Comment

Agree: 0, Disagree: 0

Licenses should be transferrable upon transfer of property title at the option of a would-be purchaser at the time of purchase. Transfer/assignment does not need to be automatic, but should not be unreasonably denied if a would-be new owner signed a legal undertaking to continue to operate 2 or less STR's, hold 2 or fewer licenses (this can be verified by the City), passes an inspection and otherwise meets all other criteria of the by-law. This would add value to licensed properties confirmed to meet all STR licensing requirements, to the benefit of the City via increased Land Transfer Taxes if/when these properties change hands. It would also give the City better ongoing visibility and knowledge over the stock of STR housing it regulates.

#007

Posted by **Karen Matthews** on **06/10/2024** at **2:45pm** [Comment ID: 685] - [Link](#)

Question

Agree: 0, Disagree: 0

please clarify the term of the licence. Does each end regardless of the date of approval on March 31st or is it one full year from approval?

Reply by **Scott Squires** on **06/21/2024** at **3:32pm** [Comment ID: 705] - [Link](#)

Question

Agree: 0, Disagree: 0

Agreed. Does this mean someone who got their license in January has to renew again within a few months, by the following January, or by the following March?

#008

Posted by **Emine Demiray** on **06/13/2024** at **9:32am** [Comment ID: 697] - [Link](#)

Question

Agree: 0, Disagree: 0

Annual Fee is too high , plus tax percentage increase from %4 to %5 is to high without any garbage additional allowances for the operators. Short Term rentals are helping overall housing crises in my opinion . Also, if tax and annual fee keep continuing to increase , it gives unpredictable financial planing for the operators and it is at least a concern , becuase of uncertanity. Please clarify the faire fee / tax increase projections and consider Operators concerns in this draft on these financial concerns.

My other comment is on the recent news regarding ;"https://www.inman.com/2024/06/11/single-mom-in-durham-struggles-to-get-rid-of-a-irbnb-squatters/" . Any proactive potential help , regulations from City to support the operator in the case of these types of unwanted realities .

- d. the Short-term Rental, including the building in which it operates, or the lot on which the building is situated, is not in compliance with the applicable Zoning By-Law;
 - e. the Short-term Rental and/or the Operator is not otherwise compliant with all applicable law, including the *Building Code Act* and any regulations made under it, including the Building Code, and the *Fire Protection and Prevention Act* and any regulations made under it, including the Fire Code; or
 - f. the Operator or the lot on which the Short-term Rental is situated is indebted to the City by way of fines, penalties, judgments and or outstanding (past due) property or municipal accommodation taxes.
- 6.2 Where the Director is of the opinion that an inspection of the Dwelling Unit or part thereof that is proposed to be used as a Short-term Rental is required, such inspection shall be carried out in accordance with Section 12 of this By-law and no Licence shall be issued or renewed until all matters identified in the inspection have been remedied to the satisfaction of the Director.
- 6.3 The Director may, when issuing or renewing a Licence, or at any time the Director deems appropriate, impose such terms or conditions on the Licence as the Director considers appropriate.
- 6.4 An Operator shall notify the Director, in writing, within fourteen (14) days of any change to the information or documentation submitted with the Operator's application, and as soon as is practicable, provide such updated information or documentation as may be required by the Director.

7 Regulations

- 7.1 If a Short-term Rental is being rented by the room, no more than three (3) rooms shall be individually rented, to a maximum of four (4) occupants in the aggregate.
- 7.2 No Operator shall permit more than two (2) occupants in each bedroom within a Short-term Rental, provided that children aged two (2) years old or younger shall not be included in this restriction, and no Operator shall permit more than ten (10) occupants rented under a single booking within a Short-term Rental. 009
- 7.3 A Short-term Rental and an Operator shall comply with the *Building Code Act* and any regulations made under it, including the Building Code, and the *Fire Protection and Prevention Act* and any regulations made under it, including the Fire Code.
- 7.4 No Person shall permit a Short-term Rental in a Dwelling Unit in combination with a Bed and Breakfast accommodation. 011
- 7.5 An Operator shall adhere to and require guests to comply with parking regulations contained in the Zoning By-Law and the City's Parking By-Law 2010-128, "A By-Law to Regulate Parking."
- 7.6 An Operator shall:
- a. provide to every guest of the Short-term Rental the emergency contact information of a person available during the guest's entire rental period, and ensure that such information is prominently displayed in the Short-term Rental at all times when the Short-term Rental is operated;
 - b. post a copy of the Licence in a prominent place near the entry to the Short-term Rental at all times when the Short-term Rental is operated;
 - c. include the Operator's Licence number in a conspicuous place in any medium or material used to Market the Short-term Rental; and
 - d. provide the Division with a link to the medium or material used to Market the Short-term Rental.
- 7.7 Every Operator shall keep a record of each concluded transaction related to the Operator's Short-term Rental business for at least 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;
 - c. The total municipal accommodation tax charged and collected;

#009

Posted by **Karen Matthews** on **06/10/2024** at **2:55pm** [Comment ID: 686] - [Link](#)

Comment

Agree: 0, Disagree: 0

just a comment, someone, somehow changed my booking and put in some ridiculous comments e.g. 8 rooms, 1 shared bathroom. I hadn't noticed for awhile and so therefore no bookings. Airbnb, and myself have no idea how this happened. Corrected now, though if the by-law should see this (clearly a violation) I hope there would be contact before penalty to allow the operator to make corrections. No intent to violate the by-law by the operator

#010

Posted by **Karen Matthews** on **06/10/2024** at **2:59pm** [Comment ID: 687] - [Link](#)

Question

Agree: 0, Disagree: 0

7.4 is confusing especially when I look at the definition of Bed and Breakfast and Short term rental. Please clarify

#011

Posted by **Karen Matthews** on **06/10/2024** at **3:00pm** [Comment ID: 688] - [Link](#)

Question


Agree: 0, Disagree: 0

7.4 is confusing especially when I look at the definition of Bed and Breakfast and Short term rental. Please clarify

- d. Whether the rental was an entire-unit rental or partial-unit rental; and
 - e. Any other information required by the Director.
- 7.8 Every Operator shall provide the information referred to in Section 7.7 to the Director within thirty (30) days of being requested to do so by the Division.
- 7.9 Every operator shall collect and remit municipal accommodation tax as outlined in By-law 2018-95.

PART III – Short-term Rental Brokerage

8 Licensing Requirements

- 8.1 A Licence issued under this Part is valid for a maximum period of three (3) years and will expire on March 31 of the applicable period. The Licence may be renewed every three (3) years prior to March 31 by paying the applicable Licence fee. 
- 8.2 A Licence issued under this Part shall expire if it is not renewed by the date required in Section 8.1 above.
- 8.3 A Licence issued under this Part cannot be assigned or transferred from the Short-term Rental Brokerage to another Person.

9 Licence Issuance

- 9.1 The Director shall issue or renew a Licence under this Part to any Person who meets the requirements of this By-Law, except where:
- a. the past conduct of the Person affords the Director reasonable grounds to believe that the Person has not or will not carry on the Short-term Rental Brokerage in accordance with applicable provisions of this By-Law; or
 - b. the Director reasonably believes that the issuing of a Licence to a Person could be adverse to the public interest.
- 9.2 Any Person seeking to obtain a Licence under this Part shall provide:
- a. a completed application in the form prescribed by the Director including setting out such information and attaching such additional documentation as may be required by the Director including:
 - i) the full name of the applicant,

#012

Posted by **Randall Mileski** on **06/10/2024** at **5:28pm** [Comment ID: 696] - [Link](#)

Question

Agree: 1, Disagree: 0

My current license is a one year duration. I was not aware a 3yr term was a available. Do I/will I have the option to renew for 2 or 3 years as I read here? Is this at the City's discretion?

Reply by **Emine Demiray** on **06/13/2024** at **9:37am** [Comment ID: 698] - [Link](#)

Question

Agree: 1, Disagree: 0


Same here with me . I did not know there was up to 3 years option? Any difference or advantage getting more years in terms of fee?

- ii) if the applicant is a corporation, the relevant duly certified incorporating documents and an updated certified copy of an annual return;
 - iii) if the applicant is a partnership, certified documents indicating the name of the partnership and the names and addresses of each partner; and,
 - iv) any other information required by the Director;
- b. proof that the applicant is eighteen (18) years of age or older;
 - c. the address of a place of business in the Province of Ontario, which is not a post office box, to which the Director may send during business hours any notice or documentation or communication that may be required under this By-Law and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication;
 - d. the name, telephone number and email address of a designated representative;
 - f. the applicable fee as prescribed by the Fees and Charges By-Law; and
 - g. an up-to-date listing of every Short-term Rental being made available by the applicant within the jurisdictional boundaries of the City of Kingston, as at a date that is no later than seven (7) days from the date of the Licence application.
- 9.3 If required by the City, an applicant under this Part shall execute, prior to obtaining a licence, an agreement with the City governing the collection, use, disclosure, and retention of information on Short-term Rentals, hosts, and guests, on terms satisfactory to the Director.
- 9.4 The Director may, when issuing or renewing a Licence, or at any time the Director deems appropriate, impose such terms or conditions on the Licence as the Director considers appropriate.
- 9.5 A Short-term Rental Brokerage shall notify the Director, in writing, within fourteen (14) days of any change to the information or documentation submitted with the Short-term Rental Brokerage's application, and as soon as is practicable, provide such updated information or documentation as

may be required by the Director.

10 Regulations

10.1 Every Short-term Rental Brokerage shall:

- (a) remit to the Director the records required pursuant to this Part every three (3) months following the date of Licence issuance;
- (b) make available to the Director the records or information required pursuant to this Part for a specific municipal address within forty-eight (48) hours following a request to do so;
- (c) have and maintain a system for receiving and responding to complaints from the public; 013
- (d) convey any communications issued by the Director that relate to matters of municipal regulation to all hosts in a format and manner prescribed by the Director;
- (e) keep a record of each concluded transaction in relation to a Short-term Rental listed or advertised on its platform within the geographic boundaries of the City of Kingston for three (3) years following the last day of the rental period. A transaction is concluded on the last day of the rental period. The records retained shall include the following:
 - i. the name, address, licence number of the Short-term Rental Operator, and email contact information;
 - ii. the number of nights the Short-term Rental was rented;
 - iii. the nightly and total price charged for the Short-term Rental;
 - iv. the municipal accommodation tax charged on the transaction;
 - v. the total number of complaints received by the Short-term Rental Brokerage in respect of each Short-term Rental Operator; and
 - vi. any other information required by the Director.

10.3 Within forty-eight (48) hours after written request from the Director, every Short-term Rental Brokerage shall remove from its platform any Short-term Rental listings identified by the City for removal.

#013

Posted by **Randall Mileski** on **06/10/2024** at **5:17pm** [Comment ID: 694] - [Link](#)

Question


Agree: 0, Disagree: 0

Please provide examples of how this may be done? What is considered acceptable in this regard?

- 10.4 No Short-term Rental Brokerage shall impose any term or condition or type of requirement on any Person, including a Short-term Rental Operator or guest using its platform or services, that prevents or hinders the ability of the City to enforce its by-laws.

PART IV – EXEMPTIONS, ENFORCEMENT, AND GENERAL

11 Exemptions

- 11.1 This By-Law does not apply to:
- a. a group home;
 - b. hotel, motel, inn or resort as defined and regulated by the Ontario Building Code and Zoning By-Laws; 
 - c. a residence operated by a post-secondary institution;
 - d. a charitable, non-profit philanthropic corporation organized as a shelter for the relief of the poor or for emergency;
 - e. accommodation supplied by employers to their employees in Dwelling Units operated by the employer;
 - f. a hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act*, R.S.O 1990, C. P.40, and a private hospital operated under the authority of a licence issued under the *Private Hospitals Act*, R.S.O. 1990, c. P.24;
 - g. 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;
 - h. 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;
 - i. a retirement home operated under the authority of a licence issued under the *Retirement Homes Act*, 2010, S.O. 2010, c.11; and
 - j. a Boarding, Lodging or Rooming House; or
 - k. accommodations rented out to tenants in accordance with the *Residential Tenancies Act*, 2006, S.O. 2006, c. 17.

#014

Posted by **Karen Matthews** on **06/10/2024** at **3:03pm** [Comment ID: 689] - [Link](#)

Question

Agree: 1, Disagree: 0

11.1 b. Why are they exempt? Why different standards?

Reply by **Emine Demiray** on **06/13/2024** at **9:40am** [Comment ID: 699] - [Link](#)

Question

Agree: 0, Disagree: 0

Are they paying higher fee?

12 Enforcement

- 12.1 The provisions of this By-Law may be enforced by an Officer, or other authorized employee or agent of the City.
- 12.2 No Person shall obstruct or hinder or attempt to obstruct or hinder an Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this By-Law.
- 12.3 Subject to Section 12.6 below, every Officer shall have the right to enter lands to conduct an inspection to determine whether the provisions of this By-Law and any order(s) issued hereunder are being complied with in accordance with the provisions of Sections 435 and 436 of the *Municipal Act*.
- 12.4 Where an Officer has reasonable grounds to believe that an offence under this By-Law has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person.
- 12.5 Failure to provide proof of identification satisfactory to an Officer when requested to do so pursuant to Section 12.4 of this By-Law shall constitute obstruction of an Officer under Section 12.2 of this By-Law.
- 12.6 No Person exercising a power of entry on behalf of the City shall enter or remain in any room or place actually being used as a Dwelling Unit unless:
- a. the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under Section 438 of the *Municipal Act*, a warrant issued under Section 439 of the *Municipal Act* or a warrant under Section 386.3 of the *Municipal Act*;
 - b. an order issued under Section 438 of the *Municipal Act* is obtained;
 - c. a warrant issued under Section 439 of the *Municipal Act* is obtained;
 - d. a warrant issued under Section 386.3 of the *Municipal Act* is obtained;
 - e. the delay necessary to obtain an order under Section 438 of the *Municipal Act*, to obtain a warrant under Section 439 of the *Municipal Act*, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any Person; or
 - f. the City has given notice of its intention to enter to the occupier of the land as required under Subsection 435(2) of the *Municipal Act* and the entry is authorized under Sections 79, 80 or 446 of the

Municipal Act.

- 12.7 A refusal of consent to enter or to remain in a room or place actually used as a Dwelling Unit does not constitute hindering or obstruction within the meaning of Section 12.2 of this By-Law unless the City is acting under an order under Section 438 of the *Municipal Act* or a warrant under Section 439 of the *Municipal Act* or in the circumstances described in clause 437 (d) or (e) of the *Municipal Act*.

13 Orders

- 13.1 If the Director and/or an Officer determines that a Person has contravened a provision of this By-Law, the Director and/or an Officer may make an order requiring the Person who contravened the By-Law or who caused or permitted the contravention, to discontinue the contravening activity and take any reasonable steps to correct the contravention.
- 13.2 No person shall fail to comply with an order issued pursuant to Section 13.1 of this By-Law.
- 13.3 An order issued pursuant to Section 13.1 of this By-Law shall set out:
- 13.3.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - 13.3.2 the steps that must be taken to correct the contravention and the date by which there must be compliance with the order.
- 13.4 If a Person fails to do a matter or thing as directed or required by this By-Law, including failing to comply with an order issued under this By-Law, the City may do the matter or thing at the Person's expense. The City may recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

14 Offence and Penalty Provisions

- 14.1 Every Person who contravenes any provision of this By-Law shall, upon being given a Penalty Notice in accordance with the Administrative Penalty Process By-Law, be liable to pay to the City and Administrative Penalty as set out in Schedule B of the Administrative Penalty By-Law for each day on which the contravention occurs, and the Administrative Penalty Process By-Law applies to each Administrative Penalty given pursuant to this By-Law.

015

#015



Posted by **Emine Demiray** on **06/13/2024** at **9:46am** [Comment ID: 700] - [Link](#)

Question

Agree: 1, Disagree: 0

How about tenants / renters who refused to leave property , staying iligaly after the experiation of their time or those who violates operators rights ? Any regulations or penalties for them ?

(By-Law 2021-10; 2023-196)

- 14.2 Notwithstanding section 14.1 of this By-law, every Person who contravenes any provision of this By-Law is guilty of an offence as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, and all such offences are designated as continuing offences.
- 14.3 Every officer or director of a corporation who knowingly concurs in the contravention of any provision of this By-Law or the failure to comply with an order issued under this By-Law is guilty of an offence as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, and all such offences are designated as continuing offences.
- 14.4 Upon conviction, every Person, and every officer or director of a corporation who contravenes any provision of this By-Law is liable, for each day or part of a day that the offence continues, to a minimum fine of Five Hundred Dollars (\$500) per day and a maximum fine of Ten Thousand Dollars (\$10,000) per day.  
- 14.5 As provided for in Section 431 of the *Municipal Act*, if a Person has been convicted of an offence under this By-Law, the Ontario Court of Justice or any Court of competent jurisdiction may, in addition to any penalty imposed on the Person convicted, issue an order:
- 14.5.1 prohibiting the continuation or repetition of the offence by the Person convicted; and
- 14.5.2 requiring the Person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.
- 14.6 If a Person is required to pay an Administrative Penalty under section 14.1 in respect of a contravention of this By-Law, the Person shall not be charged with an offence in respect of the same contravention.
- 14.7 In accordance with Section 398(2) of the *Municipal Act*, the treasurer of the City may add unpaid fees, charges and fines under this By-Law to the tax roll and collect them in the same manner as property taxes.

15 Validity

- 15.1 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.

16 Short Title of By-Law

#016

Posted by **Karen Matthews** on **06/10/2024** at **3:17pm** [Comment ID: 691] - [Link](#)

Comment

Agree: 2, Disagree: 0

14.4 Too big of a penalty for a mom and pop operation. What if they miss the renewal date by a couple of days. They could never recover from a harsh penalty like this and would likely struggle to find the money to pay it.

#017

Posted by **Karen Matthews** on **06/10/2024** at **3:12pm** [Comment ID: 690] - [Link](#)

Comment

Agree: 3, Disagree: 0

The penalty fee is extremely harsh. \$500 a day minimum for breaching any part of the by-law regardless of how serious it is or not. This does not encourage good communication and partnership. I believe most people if not all want to have a harmonious relationship. The stick is too big in 14.4

16.1 This By-Law may be referred to as the “Short-term Rental Licensing By-Law”.

17 Commencement

17.1 This By-Law shall come into force and take effect on June 1, 2021.



#018

Posted by **Randall Mileski** on **06/10/2024** at **5:25pm** [Comment ID: 695] - [Link](#)

Question

Agree: 2, Disagree: 0

When tax is levied it is in exchange for a service provided. What service(s) are the City providing to Operators/Brokers to help preserve the continued positive affect of short term rentals in Kingston? Is there a special police line to help remove unruly renters? Is an extra garbage allowance provided to handle the additional bodies present on property? Signage? Noise monitoring? Anything??

Reply by **Alex Reidman** on **06/13/2024** at **4:15pm** [Comment ID: 703] - [Link](#)

Question

Agree: 1, Disagree: 0

I 100% agree with this. The by-law is amended to be more restricting and have severe non-compliance consequences. It covers only the operators' responsibilities but there is no mentioning of the city's responsibilities towards operators. Can we include in this by-law where this big money the city is collecting from operators is going for? What was the reason for increasing MAT from 4 to 5 %. Operators were only informed at the fact.