

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 032-2021

A By-law of The Corporation of the City of Vaughan to amend Short-Term Rental By-law 158-2019.

WHEREAS Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to (a) enable it to govern its affairs as it considers appropriate, and (b) enhance its ability to respond to municipal issues;

AND WHEREAS Section 11(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may pass by-laws respecting health, safety and well-being of persons and protection of persons and property, including consumer protection;

AND WHEREAS Section 11(3) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may pass by-laws respecting business licensing;

AND WHEREAS Section 151(5) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may pass by-laws with respect to any activity, matter or thing for which a by-law may be passed under Sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS Section 391 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides for the municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 425 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 426 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under the Act;

AND WHEREAS Section 429 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides for the municipality to establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Section 431 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that if any by-law of the municipality is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order to prohibit the continuation or repetition of the offence by the person convicted;

AND WHEREAS Section 434.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides for the municipality to 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 this Act;

AND WHEREAS Sections 444 and 445 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, respectfully, provide for the municipality to make an order requiring a person who contravenes a by-law or who causes or permits the contravention or the owner or occupier of land on which a contravention occurs to discontinue the contravening activity or do work to correct a contravention;

AND WHEREAS the Council of The Corporation of the City of Vaughan deems the licensing of short-term rental brokerages and owners and the regulation of all related activity to be in the interest of public safety, community well-being and nuisance control;

AND WHEREAS the Council of The Corporation of the City of Vaughan has determined that it is desirable to make amendments to By-law 158-2019, as amended;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Section 3.0(1) of Short-Term Rental By-law 158-2019, be amended by:
 - (a) Amending the definition for Person so that it reads as follows:

“Person” means an *Individual Person*, a partnership, or a corporation (including any of such corporation’s affiliates, subsidiaries or parent corporations, as the case may be) to which the context can apply and

“Person” shall also include multiple *Persons* who, acting together, carry on the business of a *Short-Term Rental* business, despite the fact that no single one of those *Persons* carries on the activity in its entirety;

- (b) Amending the definition of Short-Term Rental Brokerage so that it reads as follows:

“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, of a *Short-Term Rental*, 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*;

- (c) Adding the following definition for “Market” in alphabetical sequence and correspondingly renumbering the subsequent definitions:

“Market”, “Marketed” or “Marketing” means offering, facilitating, or causing or permitting to offer or facilitate, directly or indirectly, the sale, promotion, canvassing, solicitation, advertising, or marketing of a *Short-Term Rental*, and includes placing, posting or erecting advertisements physically or online, provided that the *Marketing* activity is the *Person’s Primary Business*;

- (d) Adding the following definition for “Operate” in alphabetical sequence and correspondingly renumbering the subsequent definitions:

“Operate”, “Operated” or “Operating” means means to rent out, provide, offer to rent out or provide, or facilitate or broker or *Market* or cause to be *Marketed*, the offer or rental, whether directly or indirectly, including, without limitation, via the internet or other electronic platform, of a *Short-Term Rental* and shall include a *Person* collecting a fee or handling payments in respect of a *Short-Term Rental*;

- (e) Adding the following definition for “Primary Business” in alphabetical sequence and correspondingly renumbering the subsequent definitions:

“Primary Business” means a business undertaken by any *Person* that

generates at least fifty percent (50%) or more of its revenues, directly or indirectly, from *Operating a Short-Term Rental*;

2. That Section 4.0(4) of Short-Term Rental By-law 158-2019, be amended by replacing subsection (iii) with the following:

(iii) in the case of a corporation, be incorporated, continued or *Operate* in Canada.

3. That Subsection 5.0(13)(j) of Short-Term Rental By-law 158-2019, be amended by replacing it with the following:

(j) proof, satisfactory to the *Chief Licensing Official*, that every *Short-Term Rental Owner* in 5.0(13)(h) and every *Short-Term Rental Operator* in 5.0(13)(i), who is an *Individual Person*, is at least 18 years of age at the time of licensing or registration.

4. That Part 10.0 of Short-Term Rental By-law 158-2019, be amended by adding Section 1.1 as follows:

(1.1) With respect to the information required under 10.0(1), every *Short-Term Rental Brokerage* shall obtain the prior consent of the *Short-Term Rental Owner* to the collection, use, and potential disclosure of the Owner's personal information to and by the *City* for the purpose of the administration and enforcement of this By-law and the administration and enforcement of Municipal Accommodation Tax, Short Term Rental By-law, which consent shall be in a form satisfactory to the *Chief Licensing Officer*.

5. That Section 11.0(5) of Short-Term Rental By-law 158-2019, be amended by replacing it with the following:

(5) No *Short-Term Rental Owner* shall allow any *Person* to *Operate* his or her *Short-Term Rental* unless such *Person* has been registered with the *City* as per Subsections 5.0(11)(h), 5.0(11)(i) and Section 11.0(6).

6. That Section 13.0(1) of Short-Term Rental By-law 158-2019, be amended by replacing it with the following:

(1) Any notice or other information required or authorized to be forwarded, given or served under this By-law is sufficiently given if delivered personally or sent by first-class prepaid mail addressed to the *Person* to whom delivery

is required to be made at the address shown on the application or at last address shown or appearing on the records of the *City* and in the case of a corporation shall include delivery personally or by first-class prepaid mail delivered to any *Individual Person* who acts or appears to act for the benefit of such corporation, including a sales or customer service representative or an *Individual Person* employed or contracted by such corporation who is located at the premises of such corporation or any of such corporation's affiliates, subsidiaries or parent corporations, as the case may be.

7. That Section 13.0(4) of Short-Term Rental By-law 158-2019, be amended by replacing it with the following:
 - (4) Despite the requirements under sections 10.0(1) through to and including 10.0(5), the *Chief Licensing Officer*, on behalf of the *City*, may enter into a data-sharing agreement with a *Short-Term Rental Brokerage* for the purposes of collection and disclosure of information required under this By-law.
8. That Sections 13.0(5) and 13.0(6) of Short-Term Rental By-law 158-2019, be deleted.
9. That Section 17.0(1) of Short-Term Rental By-law 158-2019, be amended by replacing every minimum fine amount with an amount of \$500.

Enacted by City of Vaughan Council this 10th day of March, 2021.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 6 of Report No. 44
of the Committee of the Whole
Adopted by Vaughan City Council on
October 21, 2020.

Authorized by Item No. 9 of Report No. 8
of the Committee of the Whole
Adopted by Vaughan City Council on
March 10, 2021.