

City of Charlottetown
Short-Term Rental Licensing Bylaw
2023-PH-STR.2-000

BEING A BYLAW of the City of Charlottetown with Respect to the Licensing of Short-Term Rentals pursuant to the provisions of the *Municipal Government Act*, RSPEI 1988, c M-12.1.

BE IT ENACTED by the Council of the City of Charlottetown as follows:

1. Title

1.1 This bylaw shall be known as, and may be cited as, the “Short-Term Rental Licensing Bylaw”.

2. Purpose

2.1 The purpose of this bylaw is to establish the processes and procedures for proper licensing of a Short-Term Rental, as defined herein.

3. Definitions

3.1 “Authority Having Jurisdiction” has the same meaning as set out in the City’s *Zoning and Development Bylaw*.

3.2 “Applicant” means an Owner of a Short-Term Rental that applies to the Department for a Short-term Rental License.

3.3 “Application” means an application for a Short-Term Rental License in a form and with supporting content satisfactory to the Registrar.

3.4 “Bylaw” means this Short-Term Rental Licensing Bylaw.

3.5 “City” means the City of Charlottetown.

3.6 “Council” means the Mayor, Deputy Mayor and other members of Council of the City.

3.7 “Department” means the City of Charlottetown Planning & Heritage Department.

3.8 “Development Officer” has the same meaning as set out in the City’s *Zoning and Development Bylaw*.

3.9 “Enforcement Officer” means an individual appointed as a Bylaw Enforcement Officer pursuant to the Summary Proceedings Bylaw, or any successor bylaw, and any amendments thereto.

- 3.10 “Garden Suite” has the same meaning as set out in the City’s *Zoning and Development Bylaw*.
- 3.11 “License” means the license required or issued annually under the provisions of this Bylaw.
- 3.12 “Operator Host” means a person who operates their Principal Residence as a Short-term Rental and may or may not be the Owner.
- 3.13 “Owner” has the same meaning as set out in the City’s *Zoning and Development Bylaw* and who legally owns a Short-Term Rental.
- 3.14 “Principal Residence” has the same meaning as set out in the City’s *Zoning and Development Bylaw*.
- 3.15 “Renewal Application” means an application to renew a Short-Term Rental License in a form and manner satisfactory to the Registrar.
- 3.16 “Registrar” means the person designated by the Chief Administrative Officer to be the Registrar and includes their designate.
- 3.17 “Registry” means a publicly available registry or list of the Short-Term Rentals which have an active License.
- 3.18 “Registration Number” means the number assigned by the Registrar or their designate to a Licensed Short-Term Rental.
- 3.19 “Secondary Suite” has the same meaning as set out in the City’s *Zoning and Development Bylaw*.
- 3.20 “Short-Term Rental” has the same meaning as set out in the City’s *Zoning and Development Bylaw*.
- 3.21 “Unsafe Condition” has the same meaning as set out in the City’s *Zoning and Development Bylaw*.

4. Administration

- 4.1 On and after November 1, 2023, all Short-Term Rentals in the City shall be Licensed in accordance with this Bylaw.
- 4.2 Notwithstanding section 4.1 of this Bylaw, a License under this Bylaw is not required before March 31, 2024, where the Owner / Operator Host is authorized by the Province

of Prince Edward Island to operate a Tourism Establishment as defined by the *Tourism Industry Act* RSPEI 1988 Cap. T 3.3.

- 4.3 Short-Term Rentals shall comply with all applicable federal, provincial and municipal legislation, regulations, bylaws, fire, life safety and building codes and any applicable development agreement between the Owner and the City.
- 4.4 The Registrar or other designate is authorized to administer and enforce the provisions of this Bylaw and is authorized to delegate to any City employee any power, duty or function assigned to the Registrar by this Bylaw, including a Development Officer, Enforcement Officer or other designate.
- 4.5 The Registrar, Development Officer or other designate shall have the following authority and responsibility:
 - (a) to receive and process all Applications and Renewal Applications annually;
 - (b) to keep an accurate record of all Applications and Renewal Applications;
 - (c) to issue all License's compliant with the provisions of this Bylaw and to keep full particulars of such Licenses;
 - (d) to administer this Bylaw and, as far as is practicable, see that all persons concerned conform to its provisions and are duly warned and prosecuted if they fail to comply herewith;
 - (e) to administer section 11 of this Bylaw if an Owner, Operator Host and/or Applicant fails to comply; and,
 - (f) to do such other activities or things and to make such other inquires as may be reasonably required to carry out the provisions of this Bylaw.

5. Application Process

- 5.1 Applicants proposing to operate a Short-Term Rental shall, when applying for a License, submit the following to the Registrar or their designate:
 - (a) a completed Application in a form and manner satisfactory to the Registrar;
 - (b) the annual fee as determined by the Department on an annual basis and as prescribed by the City's Fees Bylaw;
 - (c) proof of insurance pursuant to section 10.1.

- (d) an emergency exit plan of the dwelling unit to be used as a Short-Term Rental showing the following on the floor plan:
 - (i) Exit location;
 - (ii) Fire Extinguisher location;
 - (iii) Electrical panel shut off location (if fuel fired appliances are present or attached garage); and,
 - (iv) Propane shut off location, if applicable and if within the dwelling unit.
 - (e) any other information as may be reasonably required or which may be necessary to ensure compliance with this Bylaw.
- 5.2 Prior to issuing a License under this bylaw, the Registrar, Development Officer or their designate shall review the entire Application and supporting documents for compliance with this Bylaw, the *Zoning & Development Bylaw*, and any other applicable City bylaw or legislation, and may consult with other applicable City or Provincial Departments.
- 5.3 If the Application and other information required as set out in sections 5.1 and/or 5.2 is incomplete, the Development Officer shall notify the Applicant.
- 5.4 When an Application for a License is approved, the Registrar, Development Officer or their designate shall notify the Applicant. Issuance of the License will be contingent on:
- (a) the Owner obtaining the required Provincial Government of Prince Edward Island approval(s). The Registrar, Development Officer or their designate may require confirmation of the Province's approval satisfactory to the City; and,
 - (b) the Owner obtaining a registration certification for the Tourism and Accommodation Levy in accordance with the City's Tourism and Accommodation Bylaw.
- 5.5 When an Application for a License is rejected, the Development Officer shall notify the Applicant in writing of the decision (including reasons).
- 5.6 Every License (or sticker facsimile thereof) shall, at all times during its term of validity, be prominently displayed in or on an entryway door or window of the Short-Term Rental which is readily and publicly visible from the outside.
- 5.7 An Applicant shall ensure that the information provided in the Application is accurate and complete at all times.
- 5.8 Short-Term Rentals shall have and maintain functioning smoke detector(s) / alarm(s) as may be required by the *Fire Prevention Act & Regulations*, the City's *Fire Prevention*

Bylaw and all other applicable federal, provincial and municipal legislation, regulations, bylaws, fire, life safety and building codes and any applicable development agreement between the Owner and the City.

- 5.9 Where a Short-Term Rental is equipped with one or more fireplaces or fuel burning appliances, the Owner/Operator Host shall have and maintain a functioning carbon monoxide detector / alarm.
- 5.10 Short-Term Rentals shall have and maintain a functional ABC class fire extinguisher on each floor of the residential unit in a location that is readily accessible to guests.

6. Renewal

- 6.1 Every License approved in accordance with section 5 herein expires on March 31st of the year following which it was approved.
- 6.2 If the Owner or Applicant wishes to continue to operate the Short-Term Rental, a License approved in accordance with section 5 and this section 6 must be renewed on an annual basis.
- 6.3 The Applicant for a License renewal shall annually submit the following information to the Registrar, Development Officer or their designate:
- (a) a completed Renewal Application which includes full disclosure of any material change(s) in the previously licensed Short-Term Rental;
 - (b) the annual renewal fee as prescribed by the City's Fees Bylaw and on an annual basis;
 - (c) confirmation that the Tourism Accommodation Levy applicable to the Owner's Short-Term Rental has been remitted throughout the year in accordance with the City's Tourism Accommodation Bylaw and that all payments are up to date.
 - (d) any other information as may reasonably be required or which may be necessary to ensure compliance with this Bylaw.

7. Short-Term Rental Registry

- 7.1 The Registrar, Development Officer or their designate shall maintain a Registry of all Short-Term Rentals in the City.
- 7.2 The Registry shall be updated on a regular basis and shall include the information as set out in Schedule "A" of this Bylaw and below:

- (a) the civic address and Property Identification Number (“PID”) of the Short-Term Rental;
- (b) the name of the Owner(s) and Operator Host;
- (c) the trade or business name of the Short-Term Rental, if any;
- (c) the date of the Application;
- (d) the date of approval by the City;
- (e) the Registration Number assigned by the City;
- (f) inspection date, if any; and,
- (g) dwelling type.

8. Inspection

8.1 In accordance with section 236 of the *Municipal Government Act*, RSPEI 1988, c M 12.1, a Development or Enforcement Officer or other designate may, upon proper notice, enter on any land and building or structure thereon, at any reasonable time, for the purpose of carrying out an inspection to determine whether any one or more of the following are being complied with:

- a) the provisions of this Bylaw;
- b) an order made under this Bylaw;
- c) a condition of a License issued under this Bylaw; or
- d) an order made under section 236 of the *Municipal Government Act*, RSPEI 1988, c M-12.1.

8.2 No person shall obstruct or hinder, or cause to be obstructed or hindered, a Development Officer, Enforcement Officer or other designate in the performance of their duties under this Bylaw.

8.3 An inspection conducted under this Bylaw shall be carried out in accordance with section 236 of the *Municipal Government Act*, RSPEI 1988, c M-12.1 and the Summary Proceedings Bylaw, or any successor bylaw.

9. Refusal or Revocation of License

- 9.1 The Registrar, Development Officer, Enforcement Officer or their designate may issue a warning, revoke or suspend the License if any of the following has occurred:
- (a) a Short-Term Rental is found to be in violation of this Bylaw or any other applicable City Bylaw or any applicable federal or provincial legislation or regulation;
 - (b) the information contained in the Application, the Renewal Application Form or any other document provided by the Applicant or Owner/Operator Host is found to contain a false or misleading statement;
 - (c) where information contained in the Application, the Renewal Application Form or any other document provided by the Applicant or Owner/Operator Host becomes inaccurate or incomplete, or a material change has occurred, the Applicant or Owner/Operator must notify the Registrar within 10 days;
 - (d) the Owner/Operator Host is indebted to the City in respect of fines, penalties, outstanding utilities or any other amounts owing by the Owner to the City; or,
 - (e) the Short-Term Rental is found to be in an Unsafe Condition by the Authority Having Jurisdiction.
- 9.2 The Development Officer shall reinstate any License that has been suspended upon satisfactory proof that any deficiencies have been remedied and the requirements of this Bylaw have been met.
- 9.3 Where a License has been revoked or suspended and written notification thereof has been provided, the Licensee shall promptly return the License (and any sticker facsimile thereof) to the Registrar, Development Officer, Enforcement Officer or other designate.
- 9.4 Where a License has been revoked or suspended, the Registrar, Development Officer or their designate shall remove the Short-Term Rental from the Registry and notify the provincial department that grants approval to operate a Tourist Establishment, as defined by the *Tourism Industry Act* RSPEI 1988 Cap. T 3.3, of the revocation or suspension.
- 9.5 The Registrar, Development officer or designate may refuse the issuance of a License if any of the following has occurred:

- (a) any of the grounds outlined in section 9.1 herein;
- (b) there are reasonable grounds to believe that the Applicant or Owner has knowingly carried on the business of a Short-Term Rental without first obtaining a License; or,
- (c) the Applicant or Owner has not received provincial approval to operate a Tourist Establishment as defined by the *Tourism Industry Act* RSPEI 1988 Cap. T 3.3.

9.6 Where the Applicant or Owner is a corporation or partnership, the grounds for refusing or revoking a License or renewal shall apply to any of the shareholders, officers and directors of the corporation or partners in the partnership.

9.7 Where a License is revoked or the issuance of a license is refused, the same or a similar Application shall not be considered within one year of the decision unless:

- (a) new material facts or evidence not available at the time of the initial decision have come to light; or
- (b) a material change of circumstances has occurred since the initial decision.

9.8 A License is not transferable or assignable. Any License issued will be automatically invalidated if the property ownership changes. The new Owner shall be required to submit a new Application.

10. Insurance

10.1 Every Applicant shall, before the issuance of a License to them, provide proof of Commercial General Liability insurance against all claims for personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence insuring them against liability imposed by law for any loss or damage resulting from the operation of a Short-Term Rental.

10.2 Every Applicant who obtains a License shall ensure that the insurance policy in Subsection 10.1 is maintained in good standing while the License is valid and the business to which the License applies (i.e. the operation of a Short-term Rental) is in operation.

10.3 Every Applicant shall provide the Development Officer or other designate with at least ten (10) days' notice in writing, by regular mail, personal delivery, e-mail or fax delivery, of cancellation, expiration, renewal, or variation in the amount or conditions of the policy required by section 10.1.

11. Violation and Enforcement

11.1 No person shall:

- (a) advertise, offer to rent, operate or purport to have a Short-Term Rental that is not duly Licensed under this Bylaw; or,
- (b) contravene, or fail to comply with, a requirement of licensing under this Bylaw.

11.2 An Applicant, Owner/Operator Host, or other person who:

- (a) violates a provision of this Bylaw.
- (b) fails to do anything required by this Bylaw.
- (c) permits anything to be done in violation of this Bylaw; or
- (d) obstructs or hinders any person in the performance of their duties under this Bylaw,

is guilty of an offence.

11.3 The provisions of the Summary Proceedings Bylaw, or any successor bylaw, apply to the enforcement of this Bylaw.

11.4 Every person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a fine, and such other penalties, provided for at section 234 of the *Municipal Government Act*, RSPEI 1988, c M-12.1.

12. Effective Date

12.1 This Short-Term Rental Licensing Bylaw, Bylaw #2023-PH-STR.2-000, shall be effective on second reading.

First Reading:

This Short-Term Rental Licensing Bylaw, Bylaw #2023-PH-STR.2-000, was read a first time at the Council meeting held on _____, 2023.

This Short-Term Rental Licensing Bylaw was approved by a majority of Council members present at the Council meeting held on _____, 2023.

Second Reading:

This Short-Term Rental Licensing Bylaw, Bylaw #2023-PH-STR.2-000, was read a second time at the Council meeting held on _____, 2023.

This Short-Term Rental Licensing Bylaw was approved by a majority of Council members present at the Council meeting held on _____, 2023.

Approval and Adoption by Council:

This Short-Term Rental Licensing Bylaw, Bylaw #2023-PH-STR.2-000 was adopted by a majority of Council members present at the Council meeting held on _____, 2023.

Witness the corporate seal of the City of Charlottetown

Mayor

Chief Administrative Officer

This Short-Term Rental Licensing Bylaw, being Bylaw #2023-PH-STR.2-000, adopted by the Council of the City of Charlottetown on the ___ day of _____ 2023, is certified to be a true copy.

Chief Administrative Officer

Date

Schedule "A"

Information to be Contained in Registry Pursuant to Section 7.2

Date of Application: _____

Date of Approval: _____

Registration Number: _____

Name of Owner(s): _____

Name of Operator Host (if
different than Owner): _____

Business Name (if any): _____

Civic Address: _____

PID: _____

Inspection Date (if any): _____

Dwelling Type: _____