

BY-LAW OF THE  
CORPORATION OF THE CITY OF KITCHENER

BY-LAW NO. 2025-XXX

BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF SHORT-TERM  
RENTALS IN THE CITY OF KITCHENER.

WHEREAS it is deemed expedient to exercise the powers conferred on Council by the *Municipal Act*, 2001, S.O. 2001, c.25 (the "*Municipal Act*"), as amended;

AND WHEREAS Section 8 of the *Municipal Act*, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 8(3) of the *Municipal Act*, authorizes a municipality to provide for a system of licences;

AND WHEREAS Section 11 of the *Municipal Act* authorizes a Municipality to pass bylaws responding to health, safety and well-being of person, parking on property, structures include fences and signs;

AND WHEREAS Section 151(1) of the *Municipal Act* authorizes a municipality to provide for a system of licences with respect to a business and to prohibit carrying on or engaging in the business without a licence and to take other actions with respect to such licences;

AND WHEREAS Section 151(1) of the *Municipal Act* authorizes a municipality to 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 425 of the *Municipal Act* authorizes a Municipality to create offences;

AND WHEREAS Section 429 of the *Municipal Act* authorizes a Municipality to establish a system of fines or offences under a by-law of Municipality passed under the Act;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes the City 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 City;

NOW THEREFORE the Council of The Corporation of Kitchener enacts the following:

## 1. Definitions

**“Administrative Penalty By-law”** means the Administrative Penalty System for Violations of Non-Parking By-laws, By-law Number 2024-001 of the City, as amended from time to time, or any successor thereof.

**“Adult”** means an individual eighteen years of age or older.

**“Agent”** means a Person authorized in writing by an Owner to act on the Owner’s or group of Owner’s behalf.

**“Applicant”** means the Person applying for a Licence or renewal of a Licence under this by-law.

**“Application”** shall include any Application for a Licence or renewal of a Licence on the form provided by the Manager of Licensing, or their designate, and such application being to the satisfaction of the Manager of Licensing and in accordance with the requirements set out in this By-law.

**“Application Licence Fee”** means a pre-determined fee approved by Council through the User Fee Schedule as part of the budget that is paid by a Person as part of the Application for a Licence.

**“Bedroom”** means a room or area used, separated from the common living area(s) which is equipped with a sleeping type bed and a closable, latching door for privacy. A Bedroom shall further meet the requirements for natural light as set out in the *Building Code Act*, and if located in a basement, must provide the for adequate means of egress, as approved by the City’s Fire Department.

**“Building Code Act”** means the *Building Code Act*, 1992, S.O. 1992. c.23, as amended, including any regulations enacted thereunder.

**“Business”** except where inconsistent with the context means any Business wholly or partly carried on within the City of Kitchener even if the Business is being carried on from a location outside of the City of Kitchener and includes without limitation:

- a) trades and occupations;
- b) the operation of a Short-Term Rental;
- c) exhibitions, concerts, festivals, and other organized public amusement held for profit or otherwise;
- d) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
- e) the display of samples, patterns, or specimens of goods for the purpose of sale or hire.

**“Chapter”** shall refer to a by-law of the City which has been incorporated in The City of Kitchener Municipal Code and assigned a Chapter number.

**“Chief Building Official”** means the Chief Building Official of the City or their designate.

**“Chief Fire Official”** means the Chief Fire Official of the City or their designate.

**“Chief of Police”** means the Police Chief for the Waterloo Regional Police Services or their designate.

**“City”** means The Corporation of the City of Kitchener.

**“City Solicitor”** means the City Solicitor of the City or their designate.

**“Corporation”** means a body incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B.16, or the *Corporations Act*, R.S.O. 1990, c. C.38, the *Not-for-Profit Corporations Act*, 2011, S.O. 2010, c.15, or other applicable Federal or Provincial Act, as the case may be.

**“Council”** means the elected officials comprising the municipal council of the City.

**“Dedicated Responsible Person”** means a Person who is either the Owner/Licensee or an agent, representative, or property maintenance company who is authorized to act on behalf of the Owner/Licensee and who is responsible for managing and addressing issues in relation to the Licensed Premises.

**“Designated Provision”** means any section of this By-law designated in accordance with section 12.4 of this By-law.

**“Director”** means the Director of Legislated Services of the City, their successor in title, or their designate.

**“Dwelling Unit”** means a building or part thereof used or intended to be used as a residential unit that contains cooking, eating, living, sleeping and sanitary facilities.

**“Floor Plan”** means a scale diagram of the arrangement of rooms in one story of a building.

**“Government-Issued Identification”** means an official document issued by a government authority that serves as proof of a person’s identity and includes, but is not limited to, a driver’s licence and passport.

**“Guest”** means a Person renting a Short-Term Rental by way of concession, permit, lease, rental agreement or similar contractual arrangement.

**“Guest Handbook”** means a document that has been prepared and approved by the Manager of Licensing and completed by the Licensee which, among other things, prescribes the roles and responsibilities of the Guest and Owner/Licensee, including but not limited to expectations as they relate to non-disturbance of neighbours; compliance with applicable City by-laws, and adherence to the provisions of this by-law.

**“Human Rights Code”** means the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended.

**“Incomplete Application”** means where required information is missing on the Application form; information or documentation required by the Manager of Licensing as part of the Application has not been provided; or the full Application Licence Fee is unpaid including any late fee and/or penalty fee.

**“Licence”** means a licence to operate a Short-Term Rental issued under this By-law and the term “licensed” shall have a corresponding meaning.

**“Licensed Premises”** means the Dwelling Unit referred to on a Licence issued pursuant to this By-law.

**“Licensee”** means a Person who has been issued a Licence under this By-law.

**“Licensing Appeal Tribunal”** means a committee designated by Council for the purpose of hearing any appeal under this By-law.

**“Manager of Licensing”** means the City’s Manager of Licensing, their successor in title, or their designate.

**“Medical Officer of Health”** means the Medical Officer of Health for the Region of Waterloo Public Health or their designate.

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

**“Officer”** means an employee or agent of the City or a member of the Waterloo Regional Police Services and shall include, without limitation, the Manager of Licensing, a municipal law enforcement officer, by-law enforcement officer, or Business Licensing Inspector, the Director, the Chief Fire Official, the Chief Building Official, the City’s Director of By-law Enforcement, or any person or inspector duly authorized on their behalf or otherwise authorized by Council.

**“Ontario Fire Code”** means the *Ontario Regulation 213/07: Fire Code*, under the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4.

**“Owner”** means the registered owner of the Property, or a Person who has leased the Property.

**“Person”** includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in their capacity as heir, trustee, executor, administrator, or other legal representative.

**“Premises”** means land, Property or any part thereof including all buildings or other parts thereon.

**“Principal Residence”** means the primary and permanent place of residence where an owner(s) or a lessee of a Property predominantly reside and has designated it as their principal residence on their income tax filing, property bills, and in other government records.

**“Property”** means any lot, block, or other area in which land is held or into which it is subdivided, including the building and structures, and pools thereon.

**“Regulations of this By-law”** means the provisions of this By-law including the applicable schedules.

**“Short-Term Rental”** means a Dwelling Unit or part thereof used to provide transient sleeping accommodations for a period of thirty (30) consecutive days or less, typically facilitated through a Short-term Rental Company, and may include a traditional bed and breakfast, but does not include a rental arrangement exceeding thirty (30) consecutive days.

**“Short-Term Rental – Principal Residence”** means any Person who operates or permits the operation of a Short-Term Rental in their Principal Residence.

**“Short-Term Rental – Commercial”** means any Person who operates or permits the operation of a Short-Term Rental in a Dwelling Unit that is not their Principal Residence.

**“Short-Term Rental - Company”** means any online service, website, mobile application, or other digital platform that markets and brokers the booking, reservation, or rental, of a Short-Term Rental for compensation.

**“Zoning By-law”** means all applicable by-laws in effect and enacted in accordance section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, that restrict the use of land in the City.

## 2. Regulated Short-Term Rentals

2.1 The Short-Term Rentals as set out in Schedule 1 are subject to the requirements of this By-law and to the requirements of the applicable schedules as shown therein.

2.2 The applicable requirements of a schedule to this By-law shall prevail over the general requirements of this By-law to the extent of any conflict.

## 3. Prohibitions

3.1 This By-law shall not apply to the following, where not defined herein shall be defined in section 3 of the City of Kitchener Zoning By-law:

- a) Hotel;
- b) Motel;
- c) Inns;
- d) Lodging House; or
- e) any rental unit to which any of the following *Acts*, or their regulations apply:
  - i) *Homes for Special Care Act*, R.S.O. 1990, c.H12, as amended;
  - ii) *Long-Term Care Homes Act*, R.S.O. 1990, c.17, as amended;
  - iii) *Retirement Homes Act, 2010 S.O. 2010, c. 11, as amended;*
  - iv) *Social Housing Reform Act, 2000, S.O. 2000, c.27, as amended;*
  - v) *Hotel Registration of Guests Act*, R.S.O. 1990, Chapter H.17, as amended;
  - vi) *Accommodation Sector Registration of Guests Act, 2021, R.S.O. 2021, chapter 21, Schedule 1, as amended; and/or,*
  - vii) *Residential Tenancies Act, 2006, S.O. 2006, c. 17.*

3.2 No Person shall:

- a) own, operate, permit to be operated, or act in the capacity of a Short-Term Rental set out in Schedule 1 without a Licence issued in accordance with this By-law;
- b) own, operate, permit to be operated, or act in the capacity of a Short-Term Rental as set out in Schedule 1 without complying with the Regulations of this By-law;
- c) operate a Short-Term Rental licensed under this By-law:
  - i. at a location other than the Licensed Premises where applicable;

- ii. under any other name than the name(s) identified on the Licence;
  - iii. except in accordance with the Regulations of this this By-law; or
  - iv. without complying with any and all conditions or restrictions placed on the Licence by the Manager of Licensing;
- d) transfer or assign a Licence to any other Person or to any other location other than the Licenced Premises;
  - e) provide false or misleading information to the City when applying for a Licence under this By-law, renewing a Licence or at any other time;
  - f) hold themselves out as Licensed under this By-law without holding the appropriate Licence;
  - g) advertise or permit the advertisement or operation of a Short-Term Rental without a Licence; or
  - h) advertise a Short-Term Rental without including the current Licence number in every advertisement.

#### **4. Licensing Requirements**

4.1 An Applicant applying for a Licence shall submit the following to the Manager of Licensing:

- a) a complete Application in the form prescribed by the Manager of Licensing;
- b) the applicable Application Licence Fee;
- c) any other documents as required by the Regulations of this By-law; and
- d) any documentation that may be required by the Manager of Licensing with respect to investigations required pursuant to this By-law.

4.2 If not prescribed by the By-law, upon receipt of an Application, the Manager of Licensing shall make or cause to be made all investigations which they deem necessary.

4.3 The Manager of Licensing may require the Applicant to have investigations conducted and obtain documentation from and provide to the Manager of Licensing, or to have documentation provided by any of the following or their designates: the Chief Fire Prevention Officer, Chief Building Official, Regional Medical Officer of Health, Waterloo Regional Police Services, and Director of By-law Enforcement.

4.4 For a renewal of a Licence, an Applicant shall submit the following to the Manager of Licensing:

- a) a renewal Application in the form prescribed by the Manager of Licensing;
- b) the applicable Application Licence Fee; and
- c) documents as required by the Regulations of this By-law; and
- d) any documentation that may be required by the Manager of Licensing with respect to investigations required pursuant to this By-law.

4.5 Every Licensee shall:

- a) notify the Manager of Licensing within fourteen (14) days of any changes in the ownership of the Licensed Premises;
- b) shall comply with all applicable federal, provincial or municipal legislation, including, but not limited to, the *Building Code Act*, as amended, the *Fire Code*, as amended, and all applicable municipal by-laws, including Noise, Zoning, Parking, and Property Standards, and other applicable law, code or Act, such as the Human Rights Code and Criminal Code of Canada;
- c) All municipal taxes, licenses, fines, or charges, and building permits for the Licensed Premises must be current and not outstanding before a Licence will be issued; and
- d) comply with the conditions and restrictions placed on the Licence by the Manager of Licensing or the Licensing Appeal Tribunal.

## **5. Issuance of Licence and Grounds for Refusal**

5.1 The Manager of Licensing shall receive and process all complete Applications for a Licence.

5.2 Upon receipt of a complete Application, the Manager of Licensing shall either issue, renew, or issue with conditions a Licence.

5.3 Except where otherwise provided herein, every Licence issued or renewed pursuant to this By-law shall be issued in the name of Council by the Manager of Licensing.

5.4 Where the Manager of Licensing receives an Incomplete Application, the Manager of Licensing shall, notify the Applicant that the Application is incomplete and, where applicable, any steps required to complete the Application.

5.5 The Manager of Licensing will deem an Application to be incomplete where:

- a) required information has not been provided on the Application form;
- b) information or documentation required by the Manager of Licensing as part of the Application has not been provided; or
- c) the full Application Licence Fee is unpaid including any late fee and/or penalty fee.

5.6 Where no action has been made to remedy an Incomplete Application by the Applicant in the time specified by the Manager of Licensing the Application shall be deemed abandoned. The Application will be cancelled, and any associated Application Licence Fee will be deemed non-refundable.

5.7 The Manager of Licensing shall, where an address or other contact information has been provided, notify the Applicant of the intention to refuse an Application and shall advise the Applicant of their right to appeal.

5.8 The Manager of Licensing may refuse an Application where:

- a) an unsatisfactory report regarding an investigation carried out pursuant to this By-law or any other applicable by-law of the City and any condition causing the report to be unsatisfactory has not been remedied; or
- b) the past conduct of the Applicant affords the Manager of Licensing reasonable grounds to believe that the Applicant has not or will not carry on their Business in accordance with applicable law or by-laws, or with integrity and honesty; or
- c) the Property or Dwelling Unit specified on the Application are subject to any Order that has not been complied with made pursuant to the *Building Code Act*, or the *Fire Protection and Prevention Act* 1997, S.O. 1997, c.4, or by the Medical Officer of Health; or
- d) the Licence has been suspended or revoked by the Manager of Licensing or the Licensing Appeal Tribunal.

## **6. Terms of Licence**

6.1 A Licence issued pursuant to the provisions of this By-law shall expire one year from the date it was issued or on the expiry date listed on the licence unless it is revoked in accordance with any provisions of this By-law.

6.2 Where a Person sells or transfers ownership of a Short-Term Rental to another Person, the Licence issued shall be void upon transfer.

## **7. Revocation and Suspension**

7.1 The Manager of Licensing shall, where an address or other contact information has been provided, notify the Licensee of the intention to revoke or suspend a Licence and shall advise the Licensee of their right to appeal.

7.2 The Manager of Licensing may revoke or suspend a Licence where:

- a) the Manager of Licensing is of the opinion that the Licensed Premises poses a threat to the health and safety of the public or Guests;
- b) the Licence was issued in error;
- c) the Licensee has violated any of the provisions of this By-law or any other applicable laws;
- d) any conditions placed on the Licence have been violated;
- e) the Licence was issued upon provision or receipt of false or misleading information.

7.3 If appealed, Guests residing in the Licensed Premises may continue to reside in the premises until a final decision has been rendered by the Licensing Appeal Tribunal, unless an order or other directive is issued under any other legislation or by a court of competent jurisdiction which orders or directs the removal or departure of the Guests prior to the Licencing Appeal Tribunal issuing a decision.

## **8. Appeal**

8.1 All appeals shall be submitted in writing to the Manager of Licensing within 14 days from the notification issued by the Manager of Licensing.

8.2 The Licensing Appeal Tribunal is adjudicated by a committee designated by Council.

8.3 The decision of the Licensing Appeal Tribunal is final and binding.

8.4 If the Manager of Licensing refuses a Licence, the Applicant shall have the right to appeal the decision to the Licensing Appeal Tribunal.

8.5 The Manager of Licensing may refer an Application or a Licence to the Licensing Appeal Tribunal where:

- a) the Applicant or Licensee does not meet the requirements of this By-law or any other applicable law or by-law;
- b) there are reasonable grounds for belief that an Application or other documents provided to the Manager of Licensing by or on behalf of an Applicant or Licensee contains a false statement or provides false information;
- c) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe the Person will not carry on or engage their Short-Term Rental in accordance with the law, or with honesty and integrity;
- d) any Licensee has contravened this By-law or any other by-law or federal or provincial statute or regulations while engaged in operating a Short-Term Rental;
- e) any special conditions placed by the Manager of Licensing or Licensing Appeal Tribunal on a former or current Licence of the Applicant or Licensee under this By-law have not been met; or
- f) the provisions of this By-law provide grounds not to issue or renew.

8.6 When any matter has been referred or appealed to the Licensing Appeal Tribunal the Applicant or Licensee shall be given reasonable notice of the time and place of the hearing and shall be invited to make a submission either in writing or verbally.

8.7 When any matter has been referred or appealed to the Licensing Appeal Tribunal, after due consideration of the Application or Licence and after the Licensing Appeal Tribunal has heard such representations as the Applicant or Licensee and staff may care to make, may direct that the Licence be issued or renewed, or may refuse, suspend, revoke, or add conditions to a Licence where:

- a) the Applicant or Licensee does not meet the requirements of this By-law or any other applicable law or by-law;
- b) information or documentation required by the Manager of Licensing as part of the application process has not been provided;

- c) the Application is incomplete or the Application Licence Fee is unpaid including any late and/or penalty fee;
- d) the Manager of Licensing received an unfavourable report regarding an investigation carried out pursuant this By-law or any other by-law of the City;
- e) there are reasonable grounds for belief that an Application or other document provided to the Manager of Licensing by or on behalf of an Applicant or Licensee contain a false statement or provides false information;
- f) the past or present conduct of any Person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe the Person will not carry on or engage in the operation of a Short-Term Rental in accordance with the law or with honesty and integrity;
- g) without limiting the generality of section 8.5 (f), any Person, including the officers, directors, employees or agent of a corporation, has contravened this By-law or any other by-law of the City or federal or provincial statute or regulation while engaged in the operation of a Short-Term Rental;
- h) any special conditions placed by the Manager of Licensing, on a former or current Licence of the Applicant or Licensee under this By-law have not been met;
- i) the provisions of this By-law provide grounds not to issue or renew in the circumstances; or
- j) the Applicant or Licensee has consented to the refusal, suspension, revocation, or adding of conditions to the Licence.

8.8 No Person shall violate any conditions that the Manager of Licensing or the Licensing Appeal Tribunal has placed on a Licence issued under this By-law.

8.9 For the purpose of section 8.6, the Person's last known address and email address shall be deemed to be those provided pursuant to section 4.1 of this By-law unless notice in writing has been given to the Manager of Licensing providing new information in which case the most recently provided information shall be deemed correct for the purpose of providing notice hereunder.

## **9. Inspections**

9.1 Any Officer authorized by the Manager of Licensing may enter onto Premises at all reasonable times and in accordance with any applicable requirements in the *Municipal Act* to inspect any Premises used for the carrying on of any Business in respect of which a person is required to be licensed under this By-law.

9.2 No person shall obstruct or hinder or cause to be obstructed or hindered any Officer or Officers designated under this By-law to perform their duties.

9.3 An inspection may be conducted by an Officer to determine whether or not the following are being complied with:

- a) any by-law of the city under the *Municipal Act* including this By-law;
- b) a direction or order of the City made under the *Municipal Act* or made under a by-law of the municipality passed under the *Municipal Act*;
- c) a condition of a Licence issued under a by-law of the municipality passed under the *Municipal Act*; or
- d) an order made under the *Municipal Act*.

9.4 For the purpose of an inspection of any Premises to which any provision of this By-law applies, an Officer may:

- a) require the production for inspection of documents or items relevant to the inspection in a timeframe prescribed by the Manager of Licensing;
- b) inspect documents or items relevant to the inspection;
- c) require information from any person concerning a matter related to the inspection; and
- d) alone or in conjunction with a person possessing special or expert knowledge, make examination or take tests, samples, or photographs necessary for the purpose of the inspection.

## **10. Orders**

10.1 Where the Manager of Licensing has reasonable grounds to believe that a contravention of this By-law has occurred, the Manager of Licensing may make an Order requiring the Person who contravened this By-law, or who caused or permitted the contravention, or the Owner or Licensee, of the land on which the contravention occurred, to do work to correct the contravention.

10.2 An Order under section 10.1. of this By-law shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

- b) the work to be done and the date by which the work must be done, or that the activity deemed to discontinue has ceased.

10.3 An Order under section 10.1. of this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

10.4 No Person shall fail to comply with an Order under section 10.1 of this By-law.

10.5 Any Order pursuant to this By-law shall be given in writing and is effective:

- a) on the date on which it is delivered to the Person to whom it is addressed;
- b) on the fifth day after it is sent by registered mail to the Person's last known address; or
- c) upon the sending by email transmission to the Person's last known email address.

10.6 For the purpose of section 10.5, the Person's last known address and email address shall be deemed to be those provided pursuant to section 4.1 of this By-law unless notice in writing has been given to the Manager of Licensing providing new information in which case the most recently provided information shall be deemed correct for the purpose of providing notice hereunder.

## **11. Enforcement**

11.1 Council hereby authorizes the Waterloo Regional Police Services or any Officer thereof to act as agent for the City, as necessary, for the purpose of enforcing this By-law.

11.2 The Manager of Licensing is hereby charged with the responsibility for the enforcement of this By-law and the City Solicitor, City Clerk/Director of Legislated Services, Director of By-law Enforcement, and any other municipal official are hereby required to render the Manager of Licensing any reasonable assistance in that regard.

## **12. Offences and Penalties**

12.1 Every Person, excluding a corporation, who contravenes any provision of this By-law or an Order made under this By-law and every director or officer of a corporation who concurs in a contravention by the corporation is guilty of an offence and is liable, upon conviction, to a fine not exceeding Twenty-Five Thousand Dollars (\$25,000).

12.2 Every corporation that contravenes any provision of this By-law or an order made under this By-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding Fifty Thousand Dollars (\$50,000).

12.3 Sections 3.2, 4.5, 8.8, 9.2 10.4, and Schedules 4, 5, 6 inclusive of all subsections thereunder, of this By-law are hereby designated as parts of this by-law to which the Administrative Penalty By-law applies.

12.4 Any person who contravenes any Designated Provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Penalty By-law, be liable to pay an administrative penalty and any administrative fees.

### **13. Collection of unpaid fines**

13.1 Pursuant to section 441 of the *Municipal Act*, if any part of a fine for a contravention of this By-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act* including any extension of time for payment ordered under that section, the Manager of Licensing may give the Person against who the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable which shall be not less than twenty one (21) days after the date of the notice.

13.2 If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purpose of Section 351 of the *Municipal Act*.

### **14. Schedules**

14.1 The schedules attached to this By-law shall form part of this By-law.

### **15. Short Title**

15.1 This By-law shall be known as the “Short-Term Rental By-law”.

### **16. Severability**

16.1 If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in full force and effect.

### **17. Coming into force**

17.1 This By-law shall come into force and effect on January 1, 2026.

## **18. Municipal Code**

18.1 The Clerk of the City is hereby directed to make this By-law a part of The City of Kitchener Municipal Code by adding it to the concordance and arranging and numbering it as a chapter so as to fit within the scheme of the Code.

## SCHEDULE 1

### SHORT-TERM RENTAL LICENCE CATEGORIES

LICENCE CATEGORY	REGULATIONS
Short-Term Rental - Company	Schedule 4
Short-Term Rental - Principal Residence	Schedule 5
Short-Term Rental - Commercial	Schedule 6

## **SCHEDULE 2**

### **INSURANCE**

1. This schedule shall apply to any Applicant that is required to submit proof of insurance.
2. Upon submitting an Application, the Applicant shall execute the following indemnity to the satisfaction of the City:

The Licensee both during and after the term of the Licence or renewed Licence, shall at all times, and at its own cost, expense, and risk, defend, indemnify and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and all respective heirs, administrators, executors, successors, and assigns from any and all losses, damages (including, but not limited to, incidental, indirect, special and consequential damages, or any loss of use, revenue or profit by any Person or Business), fines, penalties and surcharges, liabilities, judgements, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind and expenses which the indemnified City may suffer or incur, howsoever caused, provided such losses, damages, fines, penalties and surcharges, liabilities, judgments, claims, demands, cause of action, contracts, suits, actions or other proceedings of any kind and expenses as defined above are due or claimed to be due to the negligence, breach of contract, and/or breach of law of the Licensee.

3. The Applicant shall maintain liability insurance acceptable to the Manager of Licensing throughout the term of the Licence if the Licence has been granted.
4. The liability insurance shall consist of a comprehensive policy of public liability and property damage insurance in an amount of not less than \$2,000,000.00 per occurrence.
5. The liability insurance shall name The Corporation of the City of Kitchener as additional insured with a cross-liability endorsement and severability of interest provision.

## **SCHEDULE 3**

### **FLOOR PLANS**

1. This schedule shall apply to any Applicant that is required to submit Floor Plans.
2. The Floor Plans accepted by the Manager of Licensing shall be drawn to scale on graph paper or digital format and include identifying the following:
  - a) all rooms, spaces or common areas of the Short-Term Rental;
  - b) how each room, space or common area shall be used, which means specifically indicating where all Bedrooms will be located on the Floor Plan;
  - c) the dimensions (in meters) of all rooms, spaces or common areas;
  - d) dimensions of all windows;
  - e) location of all entrances and exits; and
  - f) location of all smoke and carbon monoxide alarms.

## **SCHEDULE 4**

### **SHORT TERM RENTAL - COMPANY**

1. In addition to the licensing requirements set out in section 4 of the By-law; an Applicant for a Short-Term Rental - Company Licence shall supply the following:

- a) The company's registered Business address in Canada;
- b) The name, title or position, telephone number, and email address of a person responsible for responding to all communications from the City;
- c) The website or app through which the applicant brokers or facilitates reservations for Short-Term Rentals; and
- d) Any other information or documents as required by the Manager of Licensing.

3. Every Short-Term Rental - Company Licensee shall:

- a) Provide in a conspicuous place a field on the platform/website to allow a Licensee to input their Licence number;
- b) Provide on a quarterly basis or upon request, a list of Short-Term Rentals active on their platform(s), including the operator ID, listing URL, and corresponding Business Licence number;
- c) Upon request remove listings that the City has deemed to be not in compliance with by-law regulations; and
- d) Keep a record of each concluded transaction in relation to a Short-Term Rental listed or advertised on its platform 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, and Licence number of the Short-Term Rental;
  - ii) the number of nights the Short-Term Rental was rented;
  - iii) the nightly and total price charged for the Short-Term Rental;
  - iv) Whether the rental was an entire-unit rental or room rental; and
  - v) Any other information required by the Manager of Licensing.

## **SCHEDULE 5**

### **SHORT-TERM RENTAL - PRINCIPAL RESIDENCE**

1. In addition to the licensing requirements set out in section 4 of the By-law; an Applicant for a Short-Term Rental – Principal Residence Licence shall supply the following:
  - a) Proof of ownership;
  - b) If the Applicant is the lessee of the Property or if the Property is a condominium unit, written consent from the Property owner and/or the condo board;
  - c) Proof of Principal Residence in the form of at least 2 of the following:
    - i) a copy of the Applicant's driver's licence or government-issued photo identification card;
    - ii) a copy of the Applicant's most recent tax return;
    - iii) a copy of the Applicant's most recent property tax bill; or
    - iv) a copy of the Applicant's lease agreement.
  - d) Proof of Insurance;
  - e) Floor Plans;
  - f) The number of Bedrooms available for rent;
  - g) Guest Handbook; and
  - h) a current list of all platforms in which the Short-Term Rental is listed, advertised, solicited, other otherwise held out for rent.
  
2. The Application for a Short-Term Rental - Principal Residence are subject to the following approvals:
  - a) Fire Approval; and
  - b) Planning Approval.

3. Every Short-Term Rental - Principal Residence Licensee shall:

- a) post the Licence in a conspicuous place at the Licensed Premises;
- b) have a Dedicated Responsible Person who is responsible for managing or addressing issues in relation to the Licensed Premises and is available to attend at all times within a period no greater than one hour for emergency issues, and within three hours of non-emergency issues, and shall be responsible for the day-to-day operations of the Short-Term Rental;
- c) create and display at the Licensed Premises a Guest Handbook;
- d) ensure the number of cars parked on the property do not exceed the number of parking spaces which can be legally provided in accordance with the Zoning By-law;
- e) ensure that each bedroom complies with the *Building Code Act* and any regulations thereto with regards to access to natural light and window requirements;
- f) ensure that each Bedroom has no more than 2 Adult occupants;
- g) not hold more than one Short-Term Rental - Principal Residence Licence.

**SCHEDULE 6**  
**SHORT-TERM RENTAL - COMMERCIAL**

1. In addition to the licensing requirements set out in section 4 of the By-law; an Applicant for a Short-Term Rental - Commercial Licence shall supply the following:
  - a) Proof of ownership;
  - b) If the Applicant is not an owner of the property or if the property is a condominium unit, written consent from the property owner and/or the condo board;
  - c) Proof of Insurance;
  - d) Floor Plans;
  - e) The number of Bedrooms available for rent;
  - f) Guest Handbook; and
  - g) a current list of all platforms in which the Short-Term Rental is listed, advertised, solicited, other otherwise held out for rent.
  
2. The Application for a Short-term Rental - Commercial are subject to the following approvals:
  - a) Fire Approval; and
  - b) Planning Approval.
  
3. Every Short-Term Rental - Commercial Licensee shall:
  - a) post the Licence in a conspicuous place at the Licensed Premises;
  - b) have a Dedicated Responsible Person who is responsible for managing or addressing issues in relation to the Licensed Premises and is available to attend at all times within a period no greater than one hour for emergency issues, and within three hours of non-emergency issues, and shall be responsible for the day-to-day operations of the Short-Term Rental;
  - c) create and display at the Licensed Premises a Guest Handbook;
  - d) ensure the number of cars parked on the property do not exceed the number of parking spaces which can be legally provided in accordance with the Zoning By-law;

- e) ensure that each bedroom complies with the *Building Code Act* and any regulations thereto with regards to access to natural light and window requirements;
- f) ensure that each Bedroom has no more than 2 Adult occupants;
- g) hold a separate Licence for each Short-Term Rental.