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Short-Term Rental (By-law No. 2021-104)

Disclaimer

By-laws contained in this section have been prepared for reference purposes only. Every effort is made to ensure the accuracy of this information; however it is not to be used in place of actual by-laws.

Actual by-laws can be obtained at the following locations:

City Archives

James Bartleman Centre
100 Tallwood Dr. (Corner of Woodroffe)
Ottawa, Ontario
tel.: 613-580-2857
fax : 613-580-2614
e-mail: archives@ottawa.ca 

Ottawa Public Library

120 Metcalfe, Ottawa Room
613-580-2940

Short-term rental by-law

CURRENT STATUS: The Ontario Land Tribunal (LPAT) has dismissed the appeal of the City of Ottawa's temporary use zoning for short-term rentals

The City's Short-Term Rental By-law (By-law 2021-104) is now in force. Enforcement of the new short-term rental regulations will begin on April 1, 2022.

Further information on the appeal process will be posted on the [Rental Accomodation Study](#) page on ottawa.ca once it becomes available.

A by-law of the City of Ottawa respecting the permitting and regulation of short-term rental hosts, property managers, and platforms.

The Council of the City of Ottawa enacts as follows:

Part I – General provisions

Section 1 to 11

Section 1 - Definitions

In this by-law,

“ABC fire extinguisher” means a first-aid fire extinguisher rated for ordinary combustibles, flammable liquids and electrical fires in accordance with the United States' National Fire Protection Association (NFPA) classification system;

“accessory building” means a detached subordinate building that is devoted exclusively to a use normally incidental to the main use of the property;

“bed and breakfast” means a residential unit that contains rooms offered for transient accommodation for a period less than 30 consecutive nights, and may include spaces for the provision of meals and other connected services and facilities and:

1. the remainder of the unit is the principal residence of the bed and breakfast operator which is not offered for transient accommodation; and,
2. is not a hotel or a cottage rental;

“booking” means a commitment between a host and a person that a short-term rental will be available for that person's use for a specified period of time;

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, and includes any regulations passed under it;

“By-law Officer” means a person appointed by Council to enforce the provisions of this by-law and who may be referred to as an officer, inspector or municipal law enforcement officer;

“City Solicitor” means the City Solicitor of the City of Ottawa, or an authorized representative;

“Chief Financial Officer” means the Chief Financial Officer of the City of Ottawa, or an authorized representative;

“community housing” means non-profit rental housing or co-operative housing funded in whole or in part by a legally prescribed government program;

“Condominium Act” means the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended, and includes any regulations passed under it;

“condominium corporation” means a corporation created under the Condominium Act;

“cottage rental” means the whole or part of a residential unit or mobile home that is used to provide transient accommodation for a period less than thirty (30) consecutive nights and:

1. is not the principal residence of the operator;
2. is not a bed and breakfast, rooming house, or hotel;
3. is marketed or brokered through a short-term rental platform; and
4. is located in an area authorized under Section 121B of the Zoning By-law, or any successor provision thereto;

“Dedicated Short-Term Rental” means a short-term rental which:

1. has a legally established use as a hotel in accordance with the Zoning By-law prior to the coming into force of By-law 2021-106;
2. does not meet the definition of “hotel” within this By-law; and,
3. currently operates as a legally non-conforming hotel use for zoning purposes.

“Director” means the Director of By-law and Regulatory Services of the City of Ottawa, or an authorized representative;

“dwelling unit” means a residential unit that:

1. is used or intended for use as a residential premises by one household and not more than three roomers or boarders; and
2. contains no more than four bedrooms;

“guest” means a transient occupant of a short-term rental;

“host” means a person who operates or provides a short-term rental;

“host permit” means a permit issued under this by-law indicating authorization for a person to operate or provide a short-term rental at a specific municipal address;

“hotel” means a commercial use that provides transient accommodation for the travelling public within a set of 6 or more units or suites accessed by contiguous common space, all, including the contiguous common space, under a single ownership, and

1. is not the principal residence of the operator;
2. includes a motel, a motor hotel, and an apartment hotel; and
3. may include desk service and/or accessory amenities such as but not limited to a restaurant or meeting rooms;

“housing co-operative” means a group of dwellings owned by a corporation established under the Ontario Co-operative Corporations Act, whereby the stockholders are solely the residents of the dwellings and the management of the dwelling is governed collectively by a Board of Directors;

“Insurance Act” means the *Insurance Act*, R.S.O. 1990, c. I.8, as amended, and includes any regulations passed under it;

“landlord” means the owner or operator of any rental unit as defined in Section 2 of the Residential Tenancies Act;

“market”, “marketed” and “marketing” means to offer for rent, promote, canvass, solicit, advertise, or facilitate a short term rental, but does not include the mere provision of a neutral space or location for such marketing in newspapers, bulletin boards, or online;

“mobile home” means a residence that is designed and manufactured to be transported on its own chassis and is equipped for year-round occupancy;

“Municipal Accommodation Tax” means the municipal accommodation tax applicable on the purchase of accommodation as provided for in By-law 2019-252, A by-law of the City of Ottawa to establish the Municipal Accommodation Tax and to repeal By-law No. 2017-401, as amended;

“Municipal Act, 2001” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, and includes any regulations passed under it;

“motor vehicle” includes an automobile, recreational vehicle, motorized boat and any other vehicle propelled or driven otherwise than by muscular power;

“occupier” means any person over the age of eighteen (18) years in possession of the property, and may include a lessee;

“Ontario Co-operative Corporations Act” means the *Co-operative Corporations Act*, RSO 1990, c. C.35, as amended, and includes any regulations passed under it;

“Ontario Fire Code” means O. Reg. 213/07: Fire Code under the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended;

“overcrowding” means occupancy of a property in excess of the limits established by the Property Standards By-law;

“oversize dwelling unit” means a residential unit that:

1. is used or intended for use as a residential premises by one household and not more than three roomers or boarders; and
2. contains more than four bedrooms, but no more than 8 bedrooms;

“PIPEDA” means the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5, as amended, and includes any regulations passed under it, or any successor statute thereto;

“Planning Act” means the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and includes any regulations passed under it;

“principal residence” means:

1. the residential unit that is owned or rented by a natural person, alone or with others, where the natural person is ordinarily resident and makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving documentation related to identification, taxation and insurance purposes, driver’s licenses, income tax returns, medical plan documentation, vehicle registration and voter registration; or similar information; and
2. where the natural person has no other property designated as such within the City of Ottawa or any other jurisdiction;

“proof of insurance” means a certified copy of a policy of insurance or a Certificate of Insurance that shows the proof of liability coverage as required by this By-law issued by a company authorized to carry on the business of insurance in the Province of Ontario in accordance with the Insurance Act, and such insurance policy shall contain an endorsement to provide By-law and Regulatory Services with thirty (30) days prior written notice of cancellation or of a material change that would diminish coverage;

“property manager” means any person who serves as an agent to a host for the purposes of managing advertising, bookings, guest services, property maintenance, or other services related to a short-term rental;

“Property Standards and License Appeal Committee” means the Property Standards and License Appeal Committee established by the Council of the City of Ottawa pursuant to By-law No. 2002-189, being a by-law of the City of Ottawa respecting the licensing, regulating and governing of certain businesses, as amended;

“Property Standards By-law” means the Property Standards By-law of the City of Ottawa (By-law No. 2013-416), as amended, or any successor by-law thereto;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, and includes any regulations passed under it;

“rental unit” means any living accommodation used or intended for use as rented residential premises, as defined in Section 2 of the Residential Tenancies Act, 2006;

“Residential Tenancies Act, 2006” means the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, as amended, and includes any regulations passed under it;

“residential unit” means a self-contained set of rooms located in a building, designed to be lived in by one or more persons, and which contains sleeping, kitchen and bathroom facilities that are intended for the exclusive use of the residents of the unit;

“rooming house” means a residential unit, other than a group home, retirement home or converted retirement home, that:

1. is not used or intended for use as a residential premises by a household; or
2. is used or intended for use as a residential premises by a household and more than three roomers or boarders; or
3. contains more than eight bedrooms;

“short-term rental” means transient accommodation in the whole or part of a residential unit for a period of less than thirty (30) consecutive nights, and:

1. is marketed or brokered by a short-term rental platform;
2. is not a rooming house or hotel; and,
3. includes a bed and breakfast, a cottage rental, and a Dedicated Short-Term Rental as defined in this by-law.

“short-term rental platform” means any person who, for compensation, markets or brokers the booking, reservation, rental or listing of a short-term rental on behalf of a host by means of a website or digital application;

“Smoking and Vaping By-law” means the Smoking and Vaping By-law of the City of Ottawa (By-law No. 2019-241), as amended, or any successor by-law thereto;

“social housing” means non-profit rental housing or co-operative housing funded in whole or in part by a legally prescribed government program;

“tenant” means a person who pays rent in return for the right to occupy a rental unit, as defined in Section 2 of the Residential Tenancies Act, 2006;

“trailer” means any vehicle designed to be attached to and propelled by a motor vehicle and is capable of being used by persons for living, sleeping, working or eating, even if the vehicle is made fast or its running gear is removed, and is not a mobile home;

“unlawful residential unit” means a residential unit that was constructed or altered in contravention of the Building Code Act, or that does not meet the requirements of the Zoning By-law; and,

“Zoning By-law” means the Zoning By-law of the City of Ottawa (By-law No. 2008-250), as amended, or any successor by-law thereto.

Section 2 - Interpretation

(1) In this by-law:

- (a) person may refer to a natural person, partnership, or corporation, as the context requires;
- (b) any references to words in the plural include the singular, as applicable, unless used with a number modifying the term;

- (c) the reference to a day in this by-law shall mean a calendar day, unless the by-law specifically indicates otherwise;
 - (d) a reference to one gender includes the other;
 - (e) the Schedule annexed to the by-law is declared to form part of the by-law; and
 - (f) headings are for reference only and shall not affect the meaning or interpretation of this by-law.
- (2) The provisions of the by-law are severable. If any provision, Section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, Sections or words.
- (3) Where notice is sent by registered mail pursuant to this by-law, the date of service is deemed to be two business days following the date of mailing to any address within the City of Ottawa and five (5) business days for addresses in any other jurisdiction.
- (4) Any email sent in accordance with this by-law shall be deemed to have been received by the addressee on the day that it is sent.

Section 3 to 5 – Provision of a short-term rental

Section 3

No person shall operate or provide a short-term rental without first obtaining a host permit under this by-law.

Section 4

No person shall market or provide a short-term rental to a number of guests that is in excess of the overnight guest limit established in Section 18.

Section 5

No person shall market, provide, or operate a short-term rental in:

- (1) an accessory building;
- (2) a motor vehicle or trailer;
- (3) an unlawful residential unit;
- (4) community housing;
- (5) a residential unit that is not a principal residence, with the exception of a cottage rental or a Dedicated Short-Term Rental as provided under this by-law; or
- (6) a building or unit where short-term rentals have been prohibited under Part V of this by-law.

Section 6 to 8 - Marketing short-term rentals

Section 6

No person shall provide or market a short-term rental utilizing a short-term rental platform that is not registered in accordance with this by-law.

Section 7

No person shall provide or market a short-term rental without prominently displaying in each advertisement or listing:

- (1) the serial number of the host permit issued to the residential unit; and
- (2) the maximum overnight guest limit as established by Section 18 of this by-law.

Section 8

No person shall fail to remove an advertisement for a short-term rental that is prohibited under this by-law within seventy-two (72) hours of becoming aware of the prohibition or receiving notice to do so by the Director.

Section 9 and 10 - Insurance and indemnification

Section 9

- (3) Every short-term rental platform, property manager or host is required to maintain insurance as specified in Part II, Part III, and Part IV, respectively.
- (4) No person who is required under this by-law to maintain insurance shall fail to keep the policy in force for the period for which the permit or registration, as applicable, is in effect inclusive of any renewal period.
- (5) Any lapse in maintaining the insurance coverage required in this by-law invalidates any permit or registration issued under this by-law.

Section 10

Any person holding a permit or otherwise registered under this by-law shall indemnify and save harmless the City of Ottawa from any and all claims, demands, cause of action, loss, costs, or damages that the City of Ottawa may suffer, incur or be liable for resulting from the performance of the person as set out in the by-law whether with or without negligence on the part of the person, the person's employees, directors and agents.

Section 11 - Information collection

The collection, use, disclosure, transmission, retention, and destruction of personal information by any host, property manager or short-term rental platform must be conducted in accordance with the requirements of PIPEDA.

Part II – Host permits

Section 12 to 21

Section 12 - General

- (1) Any resident may apply for a host permit for:
 - (a) one short-term rental in their principal residence, where permitted under Section 121A of the Zoning By-law; and
 - (b) one cottage rental where permitted under Section 121B of the Zoning By-law.
- (2) Subject to subsection (5), a host permit shall only be issued for a residential unit or a rental unit that is owned or leased by a natural person.
- (3) No person shall sell or transfer a host permit issued under this by-law.
- (4) For greater clarity, pursuant to subsection (1) an eligible host under this by-law is entitled to only one host permit for his or her principal residence and to one host permit for a cottage rental, as the case may be.
- (5) a. Subsections (1) and (2), clause (e) of Section 5, and clause (d) of subsection 13(1) are waived in respect of any Dedicated Short-Term Rental, but all other provisions of this by-law shall apply.
b. No person who provides a Dedicated Short-Term Rental shall fail to obtain a host permit under this by-law.
- (6) Despite subsection (1), no host permit shall be issued for a short-term rental located in a zone or area where bed and breakfast use is prohibited under the Zoning By-law.
- (7) A host permit issued under this by-law is valid only for the municipal address that is indicated on the host permit.

Section 13 and 14 – Application for host permit

Section 13

- (1) An applicant for a host permit shall provide the Director with the following:
- (a) a completed application in a form satisfactory to the Director containing:
 - (i)
 - 1. the full name of the applicant,
 - 2. the municipal address of the property to be used for short-term rental,
 - 3. the contact information of the applicant, including telephone number and email address, and
 - 4. any other information required by the Director in respect of the applicant or the property to be used for short-term rental;
 - (b) satisfactory proof that the applicant is at least eighteen (18) years of age;
 - (c) if the application is in respect of a rental unit, written proof satisfactory to the Director that the owner consents to its use as a short-term rental;
 - (d) proof that the property in which the short-term rental is located is the principal residence of the host, in a form satisfactory to the Director, except if the application relates to a cottage rental or a Dedicated Short-Term Rental;
 - (e) a floor plan showing the square footage of the residential unit in which the short-term rental will be located including the number of bedrooms, in a form satisfactory to the Director;
 - (f) proof of insurance coverage that complies with Section 21;
 - (g) a declaration signed by the applicant confirming that he or she is aware of and will comply with the requirements of this by-law; and,
 - (h) payment in full of all applicable fees specified under Schedule A.
- (2) The applicant is responsible for obtaining the necessary information or plan required by subsection (1), at the applicant's costs.

Section 14

- (1) The Director is authorized to receive and consider applications for host permits, to conduct all investigations necessary to ensure that a permit is issued in accordance with this by-law, and to issue a permit in accordance with this by-law.
- (2) The Director is authorized to impose conditions on a host permit at any time, including but not limited to conditions related to the health, safety and well being of persons, the protection of persons or property, and the control of noise or other nuisances.
- (3) Every holder of a host permit shall comply with this by-law and with any conditions specified in the host permit.
- (4) The Director shall refuse to issue a host permit if the application requirements in Section 13 have not been met.
- (5) The Director shall refuse to issue a host permit to any applicant who has a record of any unpaid user fees with the City of Ottawa or unpaid fines imposed under the Provincial Offences Act.
- (6) A host permit issued under this by-law shall specify:
- (a) the name of the permit holder;
 - (b) the municipal address of the short-term rental to which the permit relates;
 - (c) the applicable occupancy limits;
 - (d) the permit serial number;

- (e) the expiry date of the permit;
- (f) any conditions imposed on the permit by the Director; and
- (g) any other information deemed necessary by the Director.

(7) A host permit is only valid for the time period specified on the permit.

(8) A host may renew a host permit within thirty (30) days prior to the expiry date by applying for a permit in the same manner as if it was an original application made under this by-law.

(9) A permit holder may receive a replacement copy of their host permit by submitting a written request to the Director and paying the fee prescribed in Schedule A.

Section 15 to 17 - Information for guests

Section 15

Every holder of a host permit shall provide the guest who made the reservation with an information package for each rental period:

- (1) electronically at the time of booking; and
- (2) within the residential unit, in a printed document that is visible and accessible to all guests.

Section 16

The information package prescribed in Section 15 shall include:

- (1) contact information for the host or property manager who is available to receive communications from any guest during the rental period;
- (2) instructions for use of the 9-1-1 emergency system;
- (3) the name and address of the nearest two (2) hospitals or emergency medical services providing emergency care;
- (4) instructions for accessing municipal services through 3-1-1 and ottawa.ca;
- (5) non-emergency contact information for Ottawa Police Service;
- (6) a floor plan for the residential unit indicating emergency evacuation routes and the location of safety equipment prescribed in Section 20;
- (7) notice to guests of the presence of any system onsite that is making video or audio recordings or photographs;
- (8) instructions for solid waste disposal, to include information on the applicable waste collection day and instructions for composting and recycling;
- (9) instructions for legal parking onsite and in the vicinity of the property, as applicable;
- (10) instructions for smoking and vaping that comply with the Smoking and Vaping By-law;
- (11) a schedule of common offences and related fines associated with guest activities, to be provided by the Director; and
- (12) a copy of the applicable host permit including the serial number, occupancy limits, and any conditions imposed on the host permit.

Section 17

At the time that the reservation is made, every host shall inform the guest who made the reservation of whether the host, any tenant, or any other person will be present in the short-term rental during the rental period.

Section 18 - Permitted number of overnight guests

(13) Subject to subsection (2), the maximum limit for overnight guests in a short-term rental shall be two (2) persons per sleeping room.

(14) The maximum number of sleeping rooms and overnight guests permitted in a short-term rental shall be:

- (a) Four (4) sleeping rooms in a dwelling unit or mobile home, up to a total of eight (8) overnight guests maximum;
- (b) Eight (8) sleeping rooms in an oversize dwelling unit, up to a total of ten (10) overnight guests maximum, or
- (c) Eight (8) sleeping rooms in a dwelling unit that is legally non-conforming according to Section 34(9) of the Planning Act, up to a total of ten (10) overnight guests maximum.

(15) For the purpose of subsection (2), any room considered as a sleeping room must comply with the sleeping occupancy provisions established in the Property Standards By-law.

(16) Notwithstanding subsections (1) and (2), the Director shall have discretion to reduce the permitted number of overnight guests for a short-term rental when deemed necessary for the public interest, to protect public health and safety, or to reduce excess noise or other nuisances.

Section 19 - Overcrowding

No person shall cause, permit, or contribute to overcrowding in a short-term rental.

Section 20 - Fire safety

(17) No host permit holder shall fail to have and maintain a functioning smoke alarm where required by the Ontario Fire Code.

(18) Where the residential unit is equipped with one or more fireplaces or fuel burning appliances, no permit holder shall fail to have and maintain a functioning carbon monoxide alarm where required by Ontario Fire Code.

(19) No permit holder shall fail to have and maintain a functional ABC class fire extinguisher on each floor of the residential unit in a location that is accessible to guests.

Section 21 - Insurance for hosts

(20) Each holder of a host permit issued under this by-law shall have and maintain Homeowners Insurance, Condominium Insurance, or Renters Insurance, as appropriate, that includes the following:

- (a) coverage for short-term rental activity that is appropriate for the nature of the property,
- (b) a limit of liability of not less than One Million Dollars (\$1,000,000.00) inclusive per occurrence for personal injury, bodily injury, death, and damage to property, and,
- (c) a provision that the City will be notified with no less than thirty (30) days written notice of any cancellation.

(21) The insurance provided in accordance with subsection (1) shall be to the satisfaction of the City Solicitor.

(22) The City Solicitor is authorized to approve alternative but equivalent insurance coverage to what is required in subsection (1).

Part III – Property managers

Section 22 – 25 Registration

Section 22

No person shall provide services as a property manager without first registering with the City as required under this by-law.

Section 23

- (1) A person may apply to register as a property manager by supplying the Director with the following:
- (a) a completed application form prescribed by the Director containing:
 - (i) the full name of the applicant;
 - (ii) if the applicant is a corporation, the relevant duly certified incorporating documents and an updated annual return with a list of shareholders of the corporation;
 - (iii) if the applicant is a partnership, 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) if the applicant is an individual, original documents from the issuing agency outlining the results of a Criminal Records and Judicial Matters Check dated less than ninety (90) days prior to the date of the application, and satisfactory to the Director;
 - (d) a declaration signed by the applicant confirming that they do not have any current outstanding criminal charges or warrants pending before any courts;
 - (e) the address of a place of business in the City of Ottawa, 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;
 - (f) a telephone number and email address at which the applicant may be reached;
 - (g) proof of insurance, as prescribed in Section 27;
 - (h) the notification required by subsection (2) of Section 26; and,
 - (i) payment in full of all applicable fees specified under Schedule A.
- (2) The applicant is responsible for obtaining the necessary information required by subsection (1), at the applicant's costs.

Section 24

- (1) A property manager registration under this by-law shall be renewed by the applicant on an annual basis, and applications for renewals shall follow the process set out in Section 23.
- (2) The fee prescribed in Schedule A for property manager registration shall be paid on an annual basis at the time of registration.

Section 25

- (1) The Director is authorized to receive and consider applications for registration of a property manager, to conduct all investigations necessary to ensure that the registration complies with this by-law, and to register eligible applicants in accordance with this by-law.
- (2) The Director shall refuse to register an applicant if the application requirements in Section 23 have not been met.
- (3) The Director shall refuse to register any applicant who has a record of any unpaid user fees imposed by the City of Ottawa or unpaid fines imposed under the Provincial Offences Act.

Section 26 - Standards for property managers

- (1) No property manager shall fail to ensure a short-term rental property or listing under their management complies with this by-law.
- (2) No property manager shall fail to notify By-law and Regulatory Services when they assume management of a short-term rental, and such notification shall include:

- (a) the host permit number of the property;
 - (b) the municipal address of the property;
 - (c) the name of the host permit holder;
 - (d) the dates on which they assumed management of the short-term rental; and
 - (e) a signed authorization of the host permit holder.
- (3) No property manager shall fail to notify By-law and Regulatory Services when they discontinue management of a short-term rental, and such notification shall include:
- (a) the host permit number;
 - (b) the municipal address of the property;
 - (c) the name of the host permit holder; and
 - (d) the date on which they discontinued management of the short-term rental.
- (4) No property manager shall fail to maintain a current record of client short-term rental properties.
- (5) For the purposes of subsection (4), a record of client short-term rental properties shall include:
- (a) the name of the owner or occupier of the property;
 - (b) the contact information of the owner or occupier, including mailing address, telephone number, and email address or SMS text number;
 - (c) signed authorization to represent the owner or occupier;
 - (d) the applicable host permit number; and
 - (e) the Universal Resource Locator (URL) address of all online advertisements used to market the short-term rental.
- (6) No short-term rental property manager shall fail to provide a copy of a record prescribed in subsection (4) to a By-law Officer immediately upon request.
- (7) No short-term rental property manager shall fail to respond to a complaint about a short-term rental or attend a short-term rental on site in order to address a complaint, within two (2) hours of a request to do so by the Director or a By-law Officer.

Section 27 - Insurance for property managers

- (1) Each property manager registered under this by-law shall have and maintain Commercial General Liability Insurance subject to limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes: blanket contractual liability; premises and operations liability; products and completed operations liability; contingent employers liability; personal injury, owners and contractors protective coverage; broad form property damage; occurrence property damage; employees as additional insured, and cross liability and severability of interest provision to the satisfaction of the City Solicitor.
- (2) The insurance provided in accordance with subsection (1) shall name the City as an additional insured.
- (3) The insurance provided in accordance with subsection (1) shall include an endorsement to provide the City with no less than thirty (30) days' prior notice of any cancellation.
- (4) The City Solicitor is authorized to approve alternative and equivalent insurance requirements to those in subsection (1).

Part IV – Short-term rental platforms

Section 28 – 31 – Registration

Section 28

No short-term rental platform shall fail to register with the City of Ottawa in accordance with this by-law.

Section 29

- (1) A person may apply to register as a short-term rental platform by providing the Director with the following:
 - (a) a completed application form prescribed by the Director containing:
 - (i) the full name of the applicant,
 - (ii) if the applicant is a corporation, the relevant duly certified incorporating documents and an updated certified copy of an annual return with a list of shareholders of the corporation;
 - (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, if the applicant is a natural person;
 - (c) if the applicant is a natural person, original documents from the issuing agency outlining the results of a Criminal Record and Judicial Matters Check, dated less than ninety (90) days prior to the date of application, and satisfactory to the Director;
 - (d) 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;
 - (e) the name, telephone number and email address of a designated representative;
 - (f) proof of insurance, as prescribed in Section 36; and
 - (g) payment in full of all applicable fees specified in Schedule A.
- (2) The applicant is responsible for obtaining the necessary information required by subsection (1), at the applicant's costs.

Section 30

An applicant for registration under this Part shall execute, prior to being registered, 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 and City Solicitor.

Section 31

- (1) The Director is authorized to receive and consider applications for registration of a short-term rental platform, to conduct all investigations necessary to ensure that the registration complies with this by-law, and to register eligible applicants in accordance with this by-law.
- (2) The Director shall refuse to register an applicant if the application requirements under this Part have not been met.
- (3) The Director shall refuse to register any applicant who has a record of any unpaid user fees with the City of Ottawa or unpaid fines imposed under the Provincial Offences Act.

Section 32 - Provision of data

- (1) No short-term rental platform shall fail to create and maintain records of the following information in a format accessible by the Director, for a period of not less than three (3) years following the first day of the listing or the last day of the rental period for the property in question, whichever occurs last:

- (a) the municipal address of each short-term rental listing for which it has provided short-term rental platform services;
 - (b) the total number of nights each short-term rental listing has been rented in each calendar year, or part thereof;
 - (c) the total amount of revenue collected for accounts associated with each short-term rental listing in each calendar year, or part thereof;
 - (d) the total amount of Municipal Accommodations Tax collected in each calendar year, or part thereof;
 - (e) the number of days where the Municipal Accommodation Tax has been exempted by by-law and the total revenue collected under exemption; and
 - (f) the total number of complaints received by the short-term rental platform in respect of each short-term rental in each calendar year, or part thereof.
- (2) No short-term rental platform shall fail to remit to the Director the records required pursuant to subsection (1) every three (3) months following the date of registration.
 - (3) No short-term rental platform shall fail to make available to the Director the records or information required pursuant to subsection (1) for a specific municipal address within forty-eight (48) hours following a request to do so.

Section 33 - Public complaints

Every short-term rental platform shall have and maintain a system for receiving and responding to complaints from the public.

Section 34 - Communications regarding municipal regulations

Every short-term rental platform shall 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.

Section 35 - Municipal Accommodation Tax

- (1) Every short-term rental platform shall collect Municipal Accommodation Tax for every short-term rental completed through their platform.
- (2) Every short-term rental platform shall remit the Municipal Accommodation Tax collected pursuant to subsection (1) to the Financial Services Department of the City on a quarterly basis, in the manner prescribed by the Chief Financial Officer.
- (3) The total amount of Municipal Accommodation Tax collected by each short-term rental platform shall be reported to the City on a monthly basis in the manner prescribed by the Chief Financial Officer.

Section 36 - Insurance

- (1) Each short-term rental platform registered under this by-law shall have and maintain Commercial General Liability Insurance subject to limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes: blanket contractual liability; premises and operations liability; products and completed operations liability; contingent employers liability; personal injury, owners and contractors protective coverage; broad form property damage; occurrence property damage; employees as additional insured, and cross liability and severability of interest provision to the satisfaction of the City Solicitor.
- (2) The insurance provided in accordance with subsection (1) shall name the City as additional insured.
- (3) The insurance provided in accordance with subsection (1) shall include an endorsement to provide the City with no less than 30 days prior notice of any cancellation.
- (4) The City Solicitor is authorized to approve alternative and equivalent insurance requirements to those in subsection (1).

Part V – Prohibitions in condominiums, housing co-operatives and rental housing

Section 37 to 40

Section 37

- (1) A landlord, condominium corporation, or housing co-operative may prohibit short-term rentals in their properties.
- (2) Where a prohibition has been registered with the Director pursuant to subsection (1):
 - (a) no host permits shall be issued in respect of the property or unit to which the prohibition applies; and
 - (b) any current host permits in respect of the property or unit to which the prohibition applies shall be revoked.

Section 38 - Rental housing

A building owner or his or her authorized representative may apply to the Director to register a prohibition or remove a prohibition relating to short-term rental use on its property by providing the Director with the following:

- (1) documentation evidencing the prohibition such as a copy of a lease,
- (2) proof of ownership of the property to which the prohibition applies, satisfactory to the Director;
- (3) the municipal address of each residential unit to which the prohibition applies; and
- (4) payment in full of the fee prescribed in Schedule A.

Section 39 - Condominium corporations

An authorized representative of a condominium corporation may apply to the Director to register or remove a prohibition relating to short-term rentals by:

- (5) a. providing an affidavit or a declaration confirming that the prohibition is in effect and including the following, as may be applicable:
 - (a) a copy of the relevant condominium declaration, as registered in the Registry of Land Titles Office; or
 - (b) a copy of the relevant by-law of the condominium corporation (as registered in the Registry of Land Titles Office) and evidence satisfactory to the Director that the condominium by-law has been approved by the majority of the owners; or,
 - (c) a copy of the relevant condominium rule and evidence satisfactory to the Director that the rule has come into full force and effect in accordance with the Condominium Act and that it is still in force; and,
 - (d) the municipal address of each residential unit where short-term rentals are prohibited.
- (6) (b) providing any other information required by the Director for the purposes of registering or removing a prohibition; and,
- (7) (c) providing payment in full of the applicable fee set out in Schedule "A".

Section 40 - Housing Cooperatives

An authorized representative of the board of directors of a housing co-operative may apply to the Director to register or remove a prohibition relating to short-term rental use on property under its control by providing the Director with the following:

- (1) a notarized copy of a by-law of the housing co-operative prohibiting short-term rentals and evidence satisfactory to the Director that the housing co-operative by-law has been approved by the board of directors and lawfully passed;
- (2) the municipal address of each residential unit where short-term rentals are prohibited; and

- (3) payment in full of the fee prescribed in Schedule A.

Part VI – General administrative and regulatory provisions

Section 41

- (1) No person shall give false or incorrect information for the purposes of obtaining a host permit or registering under this by-law.
- (2) No permit holder shall fail to notify the Director in writing of any change in any of the information provided with or contained in an application for a host permit or registration within two (2) calendar days of the change.
- (3) Every permit holder or registrant under this by-law shall be governed by this by-law and comply with all other municipal by-laws and provincial and federal statutes and regulations.
- (4) No person shall publish or cause to be published any representation that they are the holder of a valid host permit or duly registered under this by-law if they do not hold a valid permit or are not validly registered under the by-law.
- (5) No person to whom a host permit has been issued under this by-law shall alter, erase, or modify the permit, or allow the alteration, erasing or modification of the permit.

Part VII – Administration and enforcement

Section 42 to 59

Section 42 - Refusal of permit or registration

- (1) The Director may refuse to issue or renew a host permit or register a property manager or short-term rental platform if the investigations undertaken pursuant to Sections 14, 25 or 31 disclose any reason to believe that the issuance, renewal or registration may result in a breach of this by-law or another by-law, or be adverse to the public interest or to public health or safety.
- (2) The Director shall inform the applicant either orally or in writing of the reasons for a refusal to issue or to renew a host permit or refusal to register the applicant.

Section 43 - Suspension of Permit or Registration

- (1) In addition to any other penalty that may be imposed under this by-law, the Director may at any time suspend without notice a host permit or a registration under this by-law in the case of a violation of this by-law.
- (2) The Director shall inform the permit holder or registrant orally or in writing of the reasons for suspension under subsection (1).
- (3) The Director may reinstate the host permit or the registration upon determining that the violation has been corrected.
- (4) No person shall market or provide a short-term rental while his or her host permit is suspended under this Section.

Section 44 - Revocation of Permit or Registration

- (1) In addition to any other penalty under this by-law, the Director may at anytime revoke without notice a host permit or a registration under this by-law if:
 - (a) the permit holder or registrant has not complied with the requirements of this by-law;
 - (b) the permit or registration was issued or renewed due to a technical or clerical error;
 - (c) the permit holder or registrant provided incorrect, false, or misleading information to the Director;
 - (d) in the case of a host permit, the Director is of the opinion that the continued operation of the short-term rental is

- (i) adverse to the public interest,
 - (ii) poses a risk for the health or safety of the public, or
 - (iii) is likely to cause a significant public nuisance due to excessive noise, violations of applicable property standards or property maintenance, or other reasons; or
- (e) the Director is of the opinion that the conduct of the permit holder, the property manager, or the short-term rental platform, or any of their directors, officers or partners,
- (i) has resulted in or will result in the breach of this by-law, another by-law, or any law; or
 - (ii) has or will endanger the health or safety of the public.
- (2) In the case of a revocation pursuant to subsection (1), the Director shall immediately provide notice orally or in writing of the revocation with reasons to the permit holder, the property manager, or the short-term rental platform, or their designated representatives, at the address or at the coordinates provided in the permit application.
- (3) No host shall continue to operate a short-term rental after a host permit has been revoked under this Section.

Section 45 – Request for review

- (1) Any person may request a review by the Property Standards and License Appeals Committee of a decision of the Director to refuse to issue or renew a host permit, to impose a condition on a host permit, to refuse to register a short-term rental platform or a property manager, or to suspend or revoke a host permit or registration under this by-law by filing a request for review in writing with the Director within fourteen (14) days of having received the Director's notice of refusal, suspension or revocation, as the case may be.
- (2) Upon receipt of a request for review pursuant to subsection (1), the Director shall determine a date with the Committee Coordinator of the Property Standards and License Appeals Committee for the review hearing by the Property Standards and License Appeals Committee, which shall be at least fourteen (14) days from the receipt of the request.
- (3) Upon determination of the review hearing date, the Director shall give notice in writing to the applicant, which shall:
- (a) include a statement,
 - (i) as to the time, date, place, and purpose of the review hearing, and
 - (ii) that, if the applicant does not attend the review hearing, the Property Standards and License Appeals Committee may proceed in the absence of the applicant and the applicant will not be entitled to any further notice, and,
 - (b) be served personally or by registered mail to the applicant at the address last on file with the Director.

Section 46 – Review hearing

- (1) The Property Standards and License Appeals Committee shall hold the review hearing at the time, place, and date set out in the notice referred to in subsection (3) of Section 45.
- (2) A majority of three (3) members of the Property Standards and License Appeals Committee constitutes a quorum.
- (3) The applicant may be represented at the review hearing by counsel, and the applicant or the counsel shall have the right to adduce evidence, submit argument in support of the application for a host permit or registration or the status quo of the host permit or registration, and cross-examine witnesses adverse in interest.
- (4) The City shall be represented at the review hearing by either the Director or the City Solicitor, who is entitled to adduce evidence and submit arguments in reply to evidence and argument on behalf of the applicant.
- (5) At the review hearing, the onus shall be upon the applicant to show cause why,
- (a) the host permit or registration applied for should be granted,
 - (b) the host permit or registration should not be suspended or revoked, or

- (c) the condition should not be placed on the host permit.
- (6) All review hearings shall be public hearings unless the applicant requests that the hearing be held in camera and the Property Standards and License Appeals Committee may approve the request by a simple majority in accordance with the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended.
- (7) The Property Standards and License Appeals Committee is authorized to make the final decision in respect of the revocation or suspension of any host permit or registration under this by-law, or the imposition of any conditions on a host permit.
- (8) The Property Standards and License Appeals Committee, after a hearing, may revoke a host permit or registration under this by-law for cause and without limiting the generality of the foregoing for:
- (a) a breach of the law,
 - (b) anything which may be in any way adverse to the public interest,
 - (c) any other matter which the Property Standards and License Appeals Committee is authorized by law to consider, or
 - (d) any violation of the provisions of this by-law.
- (9) The Property Standards and License Appeals Committee may suspend a host permit or registration under this by-law for cause for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation as provided in subsection (8).
- (10) The Property Standards and License Appeals Committee may impose conditions as a requirement of obtaining, continuing to hold or renewing a host permit, including special conditions.
- (11) The Property Standards and License Appeals Committee's decision shall be final and binding.

Section 47 – Property standards and license appeals committee decision

The Property Standards and License Appeals Committee shall give its decision in writing to the Director within seven (7) days of the date of the completion of the review hearing.

Section 48 – Waiver of hearing

Despite any of the provisions of this by-law, where the applicant has waived such hearing or compliance, any proceedings may be disposed of by a decision of the Property Standards and License Appeals Committee given:

- (1) without a hearing; or
- (2) without compliance with any other requirements of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended, or of this by-law incorporating such requirements.

Section 49 – Implementation of property standards and license appeals committee decision

- (3) The Director shall notify the applicant of the decision of the Property Standards and License Appeals Committee by serving a copy personally or by registered mail to:
- (a) the applicant at the address shown on the application, or last on file with the Director, or
 - (b) the counsel or agent of the applicant, if any, at the address as stated to the Property Standards and License Appeals Committee.
- (4) If the decision rendered by the Property Standards and License Appeals Committee is to grant the applicant the host permit or registration, the host permit shall be issued or the registration shall occur.

Section 50 – 52 Offences and penalties

Section 50

Any person who contravenes any of the provisions of this by-law is guilty of an offence.

Section 51

Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

Section 52

- (5) Every person who is convicted of an offence under this by-law is liable to a minimum fine not exceeding \$500 and to a maximum fine not exceeding \$100,000 for each day that the offence occurs or continues pursuant to subsection 429(3) of the Municipal Act, 2001, and all such offences are designated as continuing offences as provided for in subsection 429(2), paragraph (a), of the Municipal Act, 2001.
- (6) In addition to subsection (1), the total of all daily fines for a continuing offence is not limited to \$100,000 as provided for in subsection 429(3), paragraph 2, of the Municipal Act, 2001.
- (7) In addition to any other penalty imposed under this by-law, a person who is convicted of an offence under this by-law is liable to a special fine that may exceed \$100,000 as provided for in subsection 429(2), clause (d), and subsection 429(3), paragraph 1, of the Municipal Act, 2001.
- (8) When 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:
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
 - (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Section 53 – 57 Enforcement

Section 53

This by-law shall be enforced by a By-law Officer.

Section 54

A By-law Officer is authorized to enter on any land at any reasonable time for the purposes of conducting an inspection of any portion of the property that is not actually being used as a residential unit.

Section 55

During an inspection conducted under Section 54, a By-law Officer may himself or herself or with the assistance of any other person:

- (1) require the production for inspection of any document or thing relevant to the inspection;
- (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (3) require the production of information relevant to the inspection; and,
- (4) make examinations or take tests, samples or photographs necessary for the inspection.

Section 56

No person shall hinder or obstruct a By-law Officer or any person assisting them during an inspection conducted under Section 54 or activities undertaken under Section 55.

Section 57

For the purpose of investigating compliance with this by-law, a By-law Officer may audit or examine any documents or electronic records held by a short-term rental platform, property manager, or host permit holder that relates or may relate to information that is required under this by-law.

Section 58 – Short title

This by-law may be referred to as the “Short-Term Rental By-law”.

Section 59 – Effective Date

(1) June 1, 2021; or

(2) The date on which By-law 2021-106, being a by-law of the City of Ottawa to amend By-law 2008-250 to temporarily change City-wide zoning to permit short-term rental of certain residential dwelling units, comes into full force and effect.

ENACTED AND PASSED this 12th day of May 2021.

Deputy City Clerk Mayor

Schedule A - Schedule of fees

Table 1 - Schedule of fees

Service	Fee	Expiry Date (from date of issuance of permit or registration)
Host permit	\$57 Administration Fee + \$53 Permit Fee	2 years
Replacement copy of a host permit	\$20	Not applicable
Register as a short-term rental property manager	\$57 Administration Fee + \$143 Registration Fee	1 year
Register as a short-term rental platform (Tier 1 – Less than 100 listings)	\$57 Administration Fee + \$1,000 Registration Fee	3 years (under the trial period)
Register as a short-term rental platform (Tier 2 – 101-500 listings)	\$57 Administration Fee + \$2,500 Registration Fee	3 years (under the trial period)
Register as a short-term rental platform (Tier 3 – More than 500 listings)	\$57 Administration Fee + \$5,000 Registration Fee	3 years (under the trial period)
Register a prohibition against a short-term rental	\$57 Administration Fee + \$5 per residential unit (if applicable)	Not applicable
Remove a prohibition against a short-term rental	\$57 Administration Fee + \$5 per residential unit (if applicable)	Not applicable

