

THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NO. 2026-0005

**Being a By-Law to Provide for the Licensing, Regulating, and Governing of
Rooming Houses in the Town of Greater Napanee**

WHEREAS under the provisions of subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, by-laws may be passed by lower-tier municipalities respecting services and things that the municipality is authorized to provide under subsection 11(1) of the *Municipal Act, 2001*, including services and things considered necessary and desirable for the public;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001* allows a municipality to provide for a system of licences, including permits, with respect to any activity, matter, or thing which may be imposed under section 11 of the *Municipal Act, 2001*;

AND WHEREAS the Council of the Corporation of the Town of Greater Napanee deems it desirable to license, regulate and govern the business of operating and maintaining rooming houses for the purposes of health and safety, nuisance control and consumer protection.

NOW THEREFORE the Council of the Corporation of the Town of Greater Napanee enacts as follows:

PART 1 – DEFINITIONS

1.1 In this by-law,

- a) **“Accessory Building”** means a detached building or structure that is not used for human habitation and the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith.
- b) **“Apartment Dwelling House”** means the whole of a dwelling house that contains five (5) or more dwelling units which have a common entrance from street level in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and any yards appurtenant thereto.
- c) **“Appeals Committee”** means the current Council of the Town of Greater Napanee, or any other body as appointed by future by-law.
- d) **“Applicant”** means a Person or their authorized agent seeking a licence or renewal for a licence, or a Person whose licence is being considered for revocation or suspension.
- e) **“Building”** means a structure, other than a wall or fence, having a roof,

supported by columns or walls or supported directly on the foundation, and used for the shelter, accommodation or enclosure of persons, animals or goods.

- f) **“Council”** means the Council of the Corporation of the Town of Greater Napanee.
- g) **“Dwelling House”** means a building or part of a building occupied as the home or residence of one or more persons, but shall not include a trailer, motor home or Sea-Can.
- h) **“Dwelling Unit”** means a suite of two or more rooms, which are part of a building designed or intended for use as a single housekeeping unit, in which sanitary conveniences are provided, in which one kitchen facility is provided for cooking, in which a heating system is provided, and, which has a private entrance from outside the building or from a common hallway or stairway inside. For the purposes of this By-law, a dwelling unit does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, motel, motor hotel or tourist home
- i) **“Fire Chief”** means the Fire Chief of the Town of Greater Napanee who is statutorily appointed pursuant to the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, including their designates.
- j) **“Grade”** means the average elevation of the finished surface of the ground where the ground meets the foundation of a structure or building exclusive of any embankment in lieu of steps.
- k) **“Gross Floor Area”** means the total floor area, as defined herein, exclusive of:
 - i. any part of the building or structure below finished grade which is used for heating, the storage or parking of motor vehicles, locker storage, storage of goods and personal effects, laundry facilities, children's play areas and other accessory uses, or used as living quarters by the caretaker, watchman or other supervisor of the building or structure; and
 - ii. in the case of an arena, any part of the building designed for use as an artificial ice surface (By-law No. 03-61); and
 - iii. in the case of a dwelling house, any private garage, carport, basement, walkout basement, cellar, porch or veranda, sun-room (unless such sun-room is habitable at all seasons of the year).
- l) **“Group Home”** means a residence licensed or funded under a federal or provincial statute for the accommodation of three (3) to eight (8) persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being, and includes a transitional home.

- m) **“Habitable Room”** means a room designed for living, sleeping, eating or food preparation, and also includes a den, library, sewing room, loft, and/or enclosed sun-room where heated.
- n) **“Hospital”** means any institution, building or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons that is approved under the Public Hospitals Act as a public hospital.
- o) **“Hotel”** means an establishment consisting of one building or one of two or more connected buildings containing therein five (5) or more guest rooms which cater to the needs of the travelling public and is served by a common entrance, generally from street level. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room, banquet facilities, accessory recreational facilities, or similar use.
- p) **“Lodger”** means any person who pays rent, fees or other valuable consideration to a proprietor for living accommodation in which cooking or Washroom facilities are shared with other persons.
- q) **“Lot”** means a parcel of land, the fee simple title to which is capable of being lawfully conveyed without contravening the provisions of the Planning Act. Despite the foregoing, two or more abutting lots under common ownership, title, and in the same zone, and being occupied by one main building, structure or use together with any permitted accessory buildings or uses shall, for the purpose of this By-law and for the duration of the common ownership and title, be deemed to be one lot.
- r) **“Municipal Act”** means the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- s) **“Nursing Home”** means a building in which lodging with or without meals is supplied and, in addition, provides nursing, medical or similar care and treatment, if required, and which is licensed under The Long-Term Care Homes Act.
- t) **“Officer”** means any officer or employee of the Town charged with the duty of enforcing the provisions of this By-law.
- u) **“Owner”** includes all Persons shown by the records in the Registry Office or the Land Titles Office to be the owner at law of the subject Property and also includes a Person who, alone or with others, or through others:
 - i. Provides the services of a Rooming House;
 - ii. Is entitled to any income accruing from using, maintaining or operating a Rooming House;
 - iii. Manages or controls a Rooming House including, without limiting

- the generality of the foregoing, collecting or receiving rentals, fees or any other compensation paid by or on behalf of the Lodgers or potential Lodgers of the Rooming House; or
- iv. Has responsibility for or control over the condition of a Rooming House, or the Property, or the activities carried on there or control over Persons authorized to enter that Property.
- v) **“Person”** includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association.
- w) **“Property”** means the Lot on which a Rooming House sits.
- x) **“Rooming House”** means a dwelling house containing not more than four (4) guest rooms, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three (3) to eight (8) persons.
- y) **“Structure”** means anything constructed or erected, the use of which requires location on or in the ground or attached to something having location on or in the ground.
- z) **“Town”** means the Corporation of the Town of Greater Napanee.
- aa) **“Washroom”** means that part of a Building containing one or more of a toilet, urinal, bathtub, shower or washbasin.

PART 2 – REQUIREMENTS TO BE LICENSED

- 2.1 No Person shall own, use, operate, maintain, be keeper of, rent, offer for rent or permit to be used, operated, maintained, rented or offered for rent a Rooming House, or any part thereof, as a business without first obtaining a licence under the provisions of this By-law.
- 2.2 Where a licence has been issued under this By-law for the use, operation or maintenance of a Rooming House, no Person shall use, operate, maintain, be keeper of, rent, offer for rent or permit to be used, operated, maintained, kept, rented or offered for rent that Rooming House, or any part thereof, except in conformity with the terms and provisions of the licence and this By-law.
- 2.3 Licences issued pursuant to this By-law are conditional on the Owner's compliance with all Town By-laws, including but not limited to, the Zoning By-law 02-22, as amended, the Property Standards By-law 2010-50, and compliance with all laws and regulations of the Province of Ontario and Government of Canada, each as amended.

PART 3 – LICENCE APPLICATION

- 3.1 Licences must be obtained and renewed annually.

- 3.2 The term of each Licence shall, unless otherwise expressed in the Licence, be valid from the first day of January or the date it is issued or renewed until the 1st day of March of the following year, unless said Licence is suspended, revoked, amended, or voluntarily relinquished to the Clerk sooner.
- 3.3 Every application for a renewal of any Licence issued pursuant to this by-law shall be submitted to the Licensing Officer between January 1st and March 1st prior to the Licence expiration.
- 3.4 An application for a licence or renewal of a licence shall be made on a form as prescribed by the Clerk.
- 3.5 The application for licences and licence renewals under this By-law shall be submitted to the Clerk on forms approved by the Town and shall contain the information as required by Part 3 of this By-law.
- 3.6 The application for licences and the application for renewals under this By-law shall be submitted together with the following:
 - a) A floor plan of the Building, including dimensions and the proposed use of each room and a site plan showing the location and dimensions of all parking spaces available on the Property;
 - b) A statement from the Director of Development Services that the Building on the subject Property, and the contemplated use thereof, complies with the requirements of Subsections 4.1 a), c), j) and (if applicable) g) of this By-law;
 - c) A statement from the Fire Chief that the Building on the subject Property complies with the requirements of Subsection 4.1 b) of this By-law;
 - d) Subject to Subsection 4.2, the inspection certificates required in Subsection 4.1 d), e), and f);
 - e) Acknowledgments in writing allowing the Town and all appropriate authorities having jurisdiction, to enter the subject Property, including any Buildings or Dwellings or Rooming Units, in order to conduct the necessary annual inspections of the subject Property to determine compliance with the requirements of this By-law to support licence issuance or renewal;
 - f) A copy of the record of any business name used for the Rooming House under the Business Names Act, R.S.O. 1990, c. B.17;
 - g) Proof of placement of insurance for the duration of the licence period having a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury. It shall be a requirement of the policy of insurance that the Town be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to

such cancellation; and

h) The applicable fees as set out in Schedule "A" of this by-law, as may be amended from time to time.

3.7 Where the application is only for renewal of a licence, the following information only needs to be provided where it has changed from previous applications:

- a) The name and address of the Owner as shown on the records in the Land Registry Office, referred to in this By-law as the registered owner, and the telephone number of the Owner;
- b) If the registered owner is a corporation, the name, address and telephone numbers of all officers, directors and shareholders;
- c) If the registered owner is a partnership, the name, address and telephone number of the individual members of the partnership;
- d) The name, address and telephone number of the keeper, manager or operator of the Rooming House if it is not the same as the registered owner;
- e) The location of the Rooming House including address and legal description;
- f) The number of Rooming Units available for Lodgers;
- g) The number of Washrooms available for use by Lodgers; and
- h) The number of parking spaces available for use by Lodgers.

3.8 Notwithstanding subsections 3.6 and 3.7, the Clerk may specify any additional information to be given and any other necessary documents to be completed or submitted by the Applicant in conjunction with their application.

3.9 Applications submitted for a licence or a renewal of a licence which do not meet the specifications prescribed by the Clerk or otherwise do not contain the information required by this section, shall be deemed to be incomplete and not eligible for consideration for the approval or denial of a licence.

3.10 Where the applicant or licensee meets all of the requirements of this By-law, the Clerk may grant a licence, or renewal, as the case may be.

3.11 No Person shall knowingly give inaccurate, misleading or incorrect information when applying for a licence under this By-law.

PART 4 – LICENCE REQUIREMENTS

4.1 No licence shall be issued, and no licence shall be renewed unless:

- a) The use and intended use of the subject Property is permitted in accordance with the Town's Zoning By-Law 02-22, as amended;
- b) The Building on the subject Property is in compliance with all standards which apply to the Building at the time of licence issuance or renewal as are prescribed by the Ontario Fire Code, O. Reg. 388/97;
- c) The Building and subject Property are in compliance with the Town's Property Standards By-Law 2010-50;
- d) An electrical inspection certificate is provided verifying the Building on the subject Property is in compliance with all standards which apply to the Building at the time of licence issuance or renewal as are prescribed by the Ontario Electrical Safety Code, O. Reg. 164/99;
- e) Proof that an inspection has been successfully completed from a heating contractor, duly qualified under the laws of the Province of Ontario, that the heating system in the Building on the subject Property is in safe working order;
- f) An inspection report from the Town's Fire Department has been provided, confirming that all smoke alarms, carbon monoxide detectors and other fire and life safety systems installed on the subject Property are in working order;
- g) If required, a change of use permit under the Building Code Act 1992, S.O. 1992, c. 23, has been issued and any work required thereunder has been completed;
- h) The Rooming House complies with all of the requirements of this By-law;
- i) Any signs located on the subject Property are in compliance with the Town's Sign By-law 2011-0042, as amended;
- j) Proof of placement of insurance for the duration of the licence period having a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury. It shall be a requirement of the policy of insurance that the Town be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation; and
- k) The fees have been paid as set out in Schedule "A" of this by-law, as may be amended from time to time.

4.2 Notwithstanding the provisions of Subsection 4.1, where an Owner has previously submitted the certificate required by Subsection 4.1 d), and where that certificate is less than five (5) years old, the Owner does not need to submit current certificates in that regard.

- 4.3 Notwithstanding the verification in Section 4.1 f), the Owner remains solely responsible under the Ontario Fire Code for the installation, maintenance, and ongoing operational compliance of all such devices and systems.
- 4.4 Where an Applicant is denied a licence by the Clerk or is dissatisfied with any condition imposed by the Clerk in relation to a licence, the Applicant may request an Appeal of the Clerk's denial or condition in accordance with this section.
 - a) A request by the Owner or operator of such Rooming House for a hearing under this section shall be made in writing and delivered to the Clerk within fifteen (15) days of the Owner receiving the decision of the Officer.
 - b) The Owner or operator of such Rooming House, upon payment of a hearing fee as set out in Schedule "A", as may be amended from time to time, may request and is entitled to a hearing of the Appeals Committee.
 - c) Upon determination of the hearing date, the Clerk shall give notice in writing to the Owner that:
 - i. includes a statement of the time, date, place and purpose of the hearing, and;
 - ii. includes a statement that if the Owner or operator of such Rooming House does not attend the hearing, the Appeals Committee may proceed in the absence of the Owner or operator of such Rooming House and the Owner or operator of such Rooming House will not be entitled to any further notice.
 - d) The notice of hearing referred to in this section may be given by delivering it personally, by prepaid registered mail, or by email to the Owner or operator of such Rooming House at the Owner or operator of such Rooming House's last known address or email address on file with the Town. When service is made by registered mail, the service shall be deemed to be made on the seventh (7th) day after the day of mailing, unless the person on whom service is being made established that they did not, acting in good faith, through absence, accident, illness or other cause beyond their control receive the written notice until a later date.
 - e) The Appeals Committee shall hold a hearing pursuant to the provisions of the *Statutory Powers and Procedures Act* at the time, date and place set out in the notice referred to in this section and the committee may:
 - i. exempt the owner from some or all of the Rooming House requirements,
 - ii. confirm the Rooming House requirements and the decision of the Officer,
 - iii. vary the Rooming House requirements and impose other conditions on the granting of a Rooming House license, or
 - iv. combine any exemption confirmation or variance as it sees fit.

- f) An application made by the Owner or operator of such Rooming House for a hearing under this section does not act as a stay of the decision of the Officer which shall take effect on the day it is served or deemed served and shall continue to be effective until the Appeals Committee renders a decision indicating otherwise.
- g) If an appeal is taken, the decision of the Appeals Committee shall be final and binding.

4.5 Incomplete applications ineligible for consideration of a licence pursuant to Subsection 3.9 are not subject to review by the Appeals Committee.

PART 5 – FEES

- 5.1 No application for a licence or for a licence renewal shall be accepted unless it is accompanied by the application fee as set out in Schedule “A”, as may be amended from time to time.
- 5.2 No licence shall be issued under this By-law until the licence fee has been paid in full to the Town.

PART 6 – INSPECTIONS

- 6.1 Upon receipt of an application for a licence or licence renewal, inspections of the Rooming House will occur at the location named in the application to determine whether such Rooming House complies with this By-law.
- 6.2 The signature of the registered Owner and applicant (if different from the registered owner) on the application form shall be deemed as permission for authorized persons to enter the subject Property (and Buildings) named in the application at any reasonable time to carry out any inspections.
- 6.3 The applicant shall provide an authorization from each Lodger for permission for authorized Persons to enter all Rooming Units on the Property (at a time and day convenient to the Town, the applicant and the Lodgers) for the purposes of conducting inspections under this By-law.
- 6.4 Every Rooming House shall be subject to an annual Fire Department and Property Standards inspection.
- 6.5 Subject to Subsection 6.6, an Officer may, during reasonable hours, enter upon a Property and into Buildings without a warrant to inspect a Property for compliance with the provisions of this By-law.
- 6.6 Except under the authority of a search warrant, an Officer shall not enter any room or place actually used as a Dwelling, Dwelling Unit or Rooming Unit without requesting and obtaining the consent of the occupier, having first informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

6.7 No Person shall obstruct or attempt to obstruct an Officer in carrying out a lawful inspection under this Section.

PART 7 – TERMS OF THE LICENCE

7.1 All licences issued under this By-law shall expire on the 1st day of March of the following year.

7.2 Where a licence is issued under this By-law, the licence shall be displayed in a prominent location inside the main entrance of the Rooming House together with a list of any conditions imposed upon the licence. The licence shall indicate the following:

- a) The maximum number of Rooming Units allowed on the Property;
- b) The licence number;
- c) The date of issue;
- d) The date of expiry; and
- e) The name of the Owner or agent and sufficient information to enable immediate contact with that Owner or agent.

7.3 Every licence issued under this by-law is issued subject to the following conditions:

- a) That the maximum number of Rooming Units as provided for in the licence is not exceeded;
- b) That all Federal and Provincial laws and Town By-laws, including this By-law, are complied with prior and subsequent to licence issuance; and
- c) That no construction, renovation, alteration or addition is carried out on the subject Property except in compliance with all laws and upon the issuance of all applicable permits.

7.4 Where the Owner has appointed a Person as agent, such Person shall, for the purposes of this By-law, be deemed to have full authority to act as agent of the Owner in respect of the operation of the Rooming House and shall be deemed to be an Owner.

7.5 Every Owner of a Rooming House shall post a fire safety plan, approved by the Fire Chief for the Town, or their designate, in a conspicuous place in the Rooming House.

PART 8 – REVOCATION/SUSPENSION

8.1 No Person shall enjoy a vested right in the continuance of a licence and, upon

issuance, renewal, cancellation or suspension, the licence shall remain the property of the Town.

- 8.2 If the Clerk is satisfied that the continued operation of a Rooming House licensed under this By-law poses an immediate danger to the health or safety of any person or property, the Clerk may suspend the licence without a hearing on conditions they consider appropriate, subject to the following:
 - a) before suspending the licence, the Clerk shall provide the Applicant with the reasons for the suspension in writing, and an opportunity to respond to the reasons; and
 - b) the suspension shall not exceed fourteen (14) days.
- 8.3 If the Clerk is satisfied that a Rooming House licensed under this By-law is in noncompliance with this or any other Town By-law or law or regulation of the Province of Ontario or Government of Canada, the Clerk may refer the licence to the Appeals Committee under Section 4.4 to revoke, suspend, impose any conditions upon or refuse to issue or renew the licence.
- 8.4 Notwithstanding Section 8 of this By-law, the making of a false or intentionally misleading recital of fact, statement or representation in any licence application may lead to the Clerk referring the licence to the Appeals Committee under Section 4.4 to revoke, suspend, impose any conditions upon or refuse to issue or renew the licence.
- 8.5 An Owner licensed to carry on the operation of a Rooming House under this By-law may voluntarily surrender their licence to the Town by providing written notice to the Clerk. The licence shall be considered surrendered immediately upon receipt of the written notice by the Town.

PART 9 – OFFENCE

- 9.1 Every person who contravenes any of the provisions of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.
- 9.2 Where a corporation is convicted of an offence under subsection 9.1, the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in that subsection.
- 9.3 In addition to offences referred to in 9.1, every person is guilty of an offence under this by-law who:
 - a) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this by-law;
 - b) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under this by-Law; or

c) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this by-law.

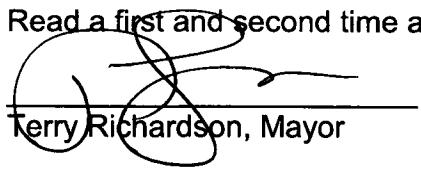
PART 10 – SHORT TITLE

10.1 This by-law may be cited as the “Rooming House By-law”.

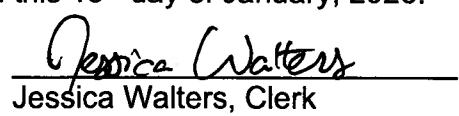
PART 11 – VALIDITY

11.1 If any section, clause or provision of this by-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.

Read a first and second time and finally passed this 13th day of January, 2026.



Terry Richardson, Mayor



Jessica Walters
Clerk

By signing this by-law on 14 JAN 26, I Mayor Richardson confirm that I will not exercise the power to veto this by-law and the by-law is deemed approved.



TOWN OF GREATER NAPANEE

Schedule "A" to By-law 2026-0005: Being a By-law to Provide for the Licensing, Regulating, and Governing of Rooming Houses in the Town of Greater Napanee

Licensing Fees

Annual Licence Fee	\$250.00
Fee to Appeal a Decision under the By-law	\$125.00
Replacement Licence Fee	\$15.00

TOWN OF GREATER NAPANEE

Schedule “B” to By-law 2026-0005: Being a By-law to Provide for the Licensing, Regulating, and Governing of Rooming Houses in the Town of Greater Napanee

Set Fines for Infractions under Part I, Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Failing to licence a Rooming House with the Town	S. 2.1	\$600.00
2.	Failing to renew a Rooming House licence with the Town	S. 3.1	\$300.00
3.	Provide inaccurate, misleading or incorrect information	S. 3.11	\$500.00
4.	Hinder or obstruct an Officer	S. 6.7	\$600.00
5.	Failing to display a Rooming House licence	S. 7.2	\$200.00
6.	Failing or refusing to produce documents	S. 9.3 (b)	\$400.00