

BYLAW NO. 2020-70

THE RESIDENTIAL SHORT TERM ACCOMMODATION LICENSING BYLAW

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THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

**Part I – Purpose, Authority, Schedules and Interpretation**

**Purpose**

1 The purpose of this Bylaw is to establish a licensing scheme and provide regulatory requirements for residential short term accommodation.

**Authority**

2 The authority for this Bylaw is sections 8 and 9 of *The Cities Act*.

**Schedules**

3 The following schedules are attached to and form part of this Bylaw:

Schedule A - Fees

**Definitions**

4 In this Bylaw:

- (a) **“applicant”** means a person who applies for a licence;
- (b) **“Board”** means the Regina Appeal Board established pursuant to Bylaw 2005-4 being *The Regina Appeal Board Bylaw*;
- (c) **“City”** means the municipal corporation of the City of Regina or where the context requires the geographical area within city limits;
- (d) **“dwelling unit”** means a self-contained living unit of one or more rooms containing cooking facilities, sanitary facilities, living quarters and sleeping quarters;
- (e) **“licence”, “licensed” and “licensing”** means a licence or reference to a licence issued under this Bylaw;
- (f) **“licence inspector”** means any person employed with the City in the following positions and includes any designate of that person:
  - (i) City Manager;
  - (ii) Manager, Licensing and Parking Services;

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Solicitor

- (iii) Licensing Coordinator, Licensing and Parking Services; and
- (iv) Licensing Officer;
- (g) **“licence number”** means a valid licence number issued to the licensee by the City;
- (h) **“market”** or **“marketing”** means offer for sale, promote, canvass, solicit, advertise, or facilitate short term accommodation, and includes listing, placing, posting or erecting advertisements physically or online, but does not include the provision of a neutral space or location for such marketing in newspapers, bulletin boards, or online;
- (i) **“multi-unit dwelling”** means a stacked building with a common entryway and greater than four units;
- (j) **“operate”** or **“operated”** means any person who owns, leases or is a tenant in a unit and offers, carries on business, or operates short term accommodation in that unit;
- (k) **“person”** means an individual or a corporation and includes a partnership, an association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
- (l) **“principal residence unit”** or **“principal residence”** means the usual dwelling unit including any suite thereof, where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, health documentation, driver’s licenses, personal identification, vehicle registration and utility bills;
- (m) **“secondary property unit”** means any unit that is not a principal residence unit;
- (n) **“short term accommodation”** means temporary accommodation in a unit or room or rooms in a unit, for a fee for a period of less than 30 days but does not include emergency shelters operated by non-profit organizations or government institutions;
- (o) **“suite”** means “dwelling, garden suite”; “dwelling, laneway suite”; and “dwelling, secondary suite” as defined in *The Regina Zoning Bylaw, 2019*;

- (p) **“stacked”** means a building with at least one unit entirely or partially above another;
- (q) **“unit”** means dwelling unit or suite;
- (r) **“valid”** means has not been refused, revoked, cancelled, expired or suspended.

## **Part II Residential Short Term Accommodation Requirements**

### **Licence Required**

- 5 No person shall operate short term accommodation in a unit without a valid licence in relation to that unit issued in accordance with this Bylaw.
- 6 No person shall be eligible to obtain a licence to operate short term accommodation unless that person is the owner of the unit; or is a lessee or tenant of the unit and has obtained the consent of the owner of the unit to apply for a licence in relation to that unit.
- 7(1) No applicant other than an individual or individuals who own or lease the unit shall be eligible for a licence in relation to a principal residence unit.
- (2) No person shall have more than one principal residence unit.
- 8 No person shall market short term accommodation without a valid licence in relation to the unit advertised.
- 9 No person shall market short term accommodation without including the licence number for the unit in a conspicuous place in any medium or material used to market the short term accommodation.

### **Platform or Marketing Agents**

- 10 Upon written request of the licence inspector every person who facilitates the marketing of a short term accommodation, by providing a space or location for such marketing whether physical or online, shall remove or correct any listing identified by the licence inspector within seven calendar days of the date of the request.

### **Buildings and Structures**

- 11 No person shall operate short term accommodation in a unit that does not comply or in relation to which the use of such unit is not in compliance with any law, including but not limited to *The Regina Zoning Bylaw, 2019*, *The Regina Fire Bylaw, 2018* or *The Uniform Building and Accessibility Standards Act*.

- 12 No person shall advertise, offer or provide short term accommodation in a temporary structure, vehicle, recreational trailer or structure, accessory building that is not a legal suite, or where rental of the unit would be in breach of any contract with the City.

### **Posting of Information**

- 13 Every operator shall provide to all guests or post in a conspicuous location in the unit:
- (a) any information required by the licence inspector to be provided to guests;
  - (b) an emergency contact name and phone number for the licensee or an agent of the licensee.

### **Records**

- 14 Every operator shall keep the following records and provide the records to the licence inspector upon request:
- (a) calendar dates of check in and check out for each rental;
  - (b) whether the entire unit or a portion of the unit were rented.
- 15 Every operator shall include licence number in all marketing, invoices or receipts issued in relation to the rental of the unit.

## **Part III – Licence Issuance**

### **Licence Application**

- 16(1) Every applicant for a licence shall provide the following, to the satisfaction of the licence inspector and in the form approved by the licence inspector:
- (a) address of the proposed short term accommodation;
  - (b) business name under which the short term accommodation will operate, if applicable;
  - (c) name of owner as shown on the land titles registry;
  - (d) where the applicant is an individual or individuals, the full name, mailing address, email address and telephone number of the applicant or applicants;
  - (e) where the applicant is a corporation: a copy of proof of registration as a corporation with the Corporate Registry (Saskatchewan) or equivalent federal or provincial agency, full name of an authorized contact person including a mailing address, email address and telephone number;

- (f) contact information for a person available 24 hours a day to respond to emergencies or any other matter which may require contact with the owner while the owner is absent from the unit;
  - (g) the name of any media outlet, company or platform used or intended to be used to market the short term accommodation;
  - (h) the Universal Resource Locator (URL) address of any online advertisements used to market the short term accommodation;
  - (i) if the application is in relation to a principal residence unit:
    - (i) the names of all adult persons who ordinarily reside at the unit as described in the definition of principal residence unit;
    - (ii) documents demonstrating that the unit is the principal residence of the applicant as described in the definition principal residence unit, including, but not limited to: documentation related to billing, identification, taxation and insurance, which may include income tax returns, driver's licenses, personal identification, vehicle registrations and utility bills;
    - (iii) documentation indicating the number of days that the unit or part of the unit was used as a short term rental accommodation, if required by the licence inspector;
  - (j) if the unit is a multi-unit dwelling, the total number of units in the multi-unit dwelling;
  - (k) proof of owner authorization if the applicant is not the owner;
  - (l) a copy of the fire inspection report verifying that the inspection was completed and the unit passed the inspection, if required by the licence inspector;
  - (m) any other documentation that the licence inspector deems necessary to verify compliance with this Bylaw.
- (2) In addition to the requirements in subsection (1), every applicant for a licence shall submit to any inspection of the unit that is the subject of the application, at the request of the licence inspector, at the time of application or during the term of licence, to verify compliance with this Bylaw, *The Regina Fire Bylaw, 2018*, *The Fire Prevention Act* and applicable Fire Code and *The Building Bylaw, The Uniform Building and Accessibility Standards Act* and applicable Building Code.

- (3) Any inspection required under subsections (1) and (2) shall be subject to any inspection fees as set out in this Bylaw or the applicable Bylaw.
- (4) Without limiting the generality of subsection (2), the licence inspector shall require a fire inspection in relation to the initial application for any secondary property unit.
- 17(1) The licensee or applicant shall immediately notify the licence inspector in writing of any change to the information supplied in the licence application.
- (2) Without limiting the generality of subsection (1) the licensee or applicant shall advise the licence inspector if at any time the applicant no longer resides primarily at the home.

#### **Residential Business Licence Not Required**

- 18 Notwithstanding any provision of *The Licensing Bylaw, 2007*, a person who is required to apply for a licence pursuant to this Bylaw shall not be required to apply for a residential business licence to operate the short term accommodation or comply with any of the requirements for residential business described in *The Licensing Bylaw, 2007*.

#### **License Issuance**

- 19 Upon receipt of a completed application for a licence, the applicable fees required by Schedule A of this Bylaw, and any inspections or other verifications required, the licence inspector shall, following a reasonable period to review and conduct any further inquiry required to verify the information provided or as otherwise described in this Bylaw, either issue a licence, or refuse to issue or renew the licence.

#### **Prohibition on Transfer**

- 20 A licence does not confer any property right and no licensee may sell, transfer, assign, lease or otherwise dispose of or deal in the licence.
- 21 A licence cannot be transferred to another unit owned by the licensee.
- 22 If the unit to which the licence relates is sold or leased to another tenant, the licence is deemed to be expired.
- 23 If the applicant or licensee in relation to a licence for a principal residence unit no longer resides at the principal residence unit as described in the definition principal residence unit, the licence is deemed to be expired.

#### **License Term**

- 24 The term of a licence shall be for one year from the date it is issued.

**Vacancy Rates**

- 25(1) Subject to subsections (2) and (3), if the average vacancy rate in the Regina Census Metropolitan Area, as shown in the most current published Canada Mortgage and Housing Corporation Rental Market Survey, is below 3%, no new licenses for short term accommodation shall be issued until a Canada Mortgage and Housing Corporation Rental Market Survey is published which shows a vacancy rate of 3% or greater.
- (2) The limit in this section shall not apply to any licence application in relation to a unit where the unit is the principal residence of the applicant.
- (3) The limit in this section shall not apply to prevent the renewal of a licence where the licensee held a valid licence in respect of that unit within the last 90 days.

**Multi-Unit Residential Dwellings**

- 26(1) Subject to subsections (2), (3) and (4), no more than 35% of the units within a multi-unit dwelling shall be issued a licence under this Bylaw.
- (2) The calculation of the limit in this section shall not include any licence in relation to a unit where the unit is the principal residence of the applicant.
- (3) The limit in this section shall not apply to prevent the renewal of a licence where the licensee held a valid licence within the last 90 days.
- (4) The limit in this section shall not apply to prevent any licence being issued if the use of the unit for “Service Trade, Homestay” was a permitted use pursuant to *The Regina Zoning Bylaw, 2019* prior to its amendment by Bylaw 2020-64.

**Licence Suspension, Revocation, Refusal**

- 27(1) The licence inspector may suspend, revoke or refuse to issue or renew any licence if:
- (a) the applicant or licensee fails to pay any fee required by this Bylaw;
  - (b) the applicant or licensee fails to provide any information required by this Bylaw;
  - (c) the licence was issued in error or based on false or misleading information;
  - (d) the applicant or licensee does not or no longer meets the application requirements or any requirement of this Bylaw;
  - (e) the applicant or licensee or a person affiliated with the licensee has refused to allow an inspection of the unit as authorized by this Bylaw;

- (f) if the applicant, licensee or unit has violated this Bylaw or any other bylaw or violation of other laws;
  - (g) if persons present at the unit that is the subject of the licence have violated a City bylaw or other law, including, but not limited to, bylaws regarding nuisance or the amenity of the neighbourhood;
  - (h) a limit or cap imposed by this Bylaw prevents the issuance of the licence;
  - (i) continuance, issuance or renewal of the licence is not in the public interest.
- (2) The licence inspector shall send notice of any decision to suspend, revoke or refuse to issue or renew a licence pursuant to this Bylaw to the applicant or licensee by mail at the address provided by the applicant or licensee.
  - (3) The notice sent pursuant to subsection (2) shall advise the applicant or licensee of the reason for the decision and the right to appeal to the Board, if available.
- 28(1) Should the licence inspector suspend or revoke a licence, or the licensee wish to cancel or return a licence, the fee paid by the licensee shall not be returned.
- (2) Should the licence inspector refuse to issue the licence, the fee paid by the applicant shall be returned to the applicant.

### **Powers Additional**

- 29 The power to suspend, revoke or refuse to issue or renew a licence is in addition to the penalties contained in this Bylaw for breach of this Bylaw.
- 30 The licence inspector may suspend, revoke or refuse to issue or renew a licence whether or not any person has been charged or convicted of an offence under this Bylaw or any other law.

### **Appeal**

- 31(1) Where the licence inspector has suspended, revoked, refused to issue or renew a licence issued pursuant to this Bylaw, the applicant or licensee to whom the decision relates may appeal that decision to the Board within 30 days of the date of the decision.
- (2) An appeal to the Board must be in writing and must be served on the City Clerk within 30 days of the date of the decision appealed from.



**Stay of Decision**

- 32(1) An appeal does not operate as a stay of the decision appealed from unless the licensee applies for a stay and the Board grants a stay.
- (2) A request for a stay must be in writing and must be served on the City Clerk.
- (3) Where a stay is granted pursuant to this section, the licence suspension, revocation, refusal to issue or renew are stayed until the Board makes a decision as to the appeal.

**Part IV - Enforcement****Enforcement Officials**

- 33 For the purposes of any inspection authorized by this Bylaw, enforcement of this Bylaw and sections 324, 325, 326 and 328 of *The Cities Act*, the licence inspector is a designated officer and authorized to inspect premises, enforce this Bylaw and undertake any action authorized pursuant to *The Cities Act*.

**Inspection**

- 34(1) The inspection of property to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections pursuant to this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (3) If a person refuses to allow or interferes with an inspection authorized by this section or if a person fails to respond to a reasonable request for access to a property, the City may apply for a warrant authorizing entry in accordance with section 325 of *The Cities Act*.

**Offences**

- 35 It is an offence:
- (a) to fail to comply with or contravene any provision of this Bylaw;
- (b) for a person to hold themselves out to be licenced under this Bylaw unless they hold a valid licence issued pursuant to this Bylaw;
- (c) to provide false, incomplete or inaccurate information to the licence inspector;
- (d) to obstruct a person who is authorized pursuant to this Bylaw to carry out an inspection or a person who is lawfully assisting in the inspection.

**Fines**

36 Any person who commits an offence as described in this Bylaw is liable on summary conviction:

- (a) in relation to sections 5, 8 and 9, to a fine of \$1000 per unit, plus the amount of the applicable licence fee or in default of payment to imprisonment for a term not exceeding 90 days;
- (b) in the case of an individual for any offence other than those listed in (a), to a fine not exceeding \$10,000 or in default of payment to imprisonment for a term not exceeding 90 days;
- (c) in the case of a corporation for any offence other than those listed in (a), to a fine not exceeding \$25,000;

**Part V - Transitional****Bylaw 2005-4 Amended**

37(1) Bylaw No. 2005-4, being *The Regina Appeal Board Bylaw* is amended in the manner set forth in this section.

(2) Section 1 is amended by adding the following clause after clause (b):

“(b.1) the refusal, revocation or suspension of any licence pursuant to *The Residential Short Term Accommodation Licensing Bylaw No. 2020-70*;”

(3) Subsection 4(2) is amended by adding the following clause after clause (a.2):

“(a.2.1) review the refusal, revocation or suspension of any licence pursuant to *The Residential Short Term Accommodation Licensing Bylaw No. 2020-70* after providing the applicant or licensee the opportunity to be heard;”

(4) Section 8 is amended by adding the following subsection after subsection (5):

“(5.1) Where the Board reviews the refusal, revocation or suspension of any licence pursuant to *The Residential Short Term Accommodation Licensing Bylaw No. 2020-70*, the Board may:

- (a) confirm the decision of the Licence Inspector;
- (b) set aside the decision of the Licence Inspector;
- (c) order the Licence Inspector to make further inquiry into the facts of the case; or

(d) vary the suspension imposed by the Licence Inspector.”

**Validity**

38 A decision by a court that any part of this Bylaw is illegal, void, or unenforceable severs that part from this Bylaw, and is not to affect the balance of the Bylaw.

**Coming into Force**

39 This Bylaw comes into force on January 1, 2021.

READ A FIRST TIME THIS 28<sup>th</sup> DAY OF October 2020.

READ A SECOND TIME THIS 28<sup>th</sup> DAY OF October 2020.

READ A THIRD TIME AND PASSED THIS 28<sup>th</sup> DAY OF October 2020.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
(SEAL)

CERTIFIED A TRUE COPY

\_\_\_\_\_  
City Clerk

### Schedule A Fees

| Type of Fee                          | Amount  |
|--------------------------------------|---|
| Principal Residence Unit Licence fee | \$100   |
| Secondary Property Unit Licence fee  | \$300   |
| Fire inspection fee                  | as set out in<br><i>The Regina Fire Bylaw, 2018</i> |

ABSTRACT

BYLAW NO. 2020-70

THE RESIDENTIAL SHORT TERM ACCOMMODATION LICENSING BYLAW

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|                        |   |
|------------------------|---|
| PURPOSE:               | To establish a licensing scheme and provide regulatory requirements for residential short term accommodation. |
| ABSTRACT:              | This Bylaw creates a licence and regulates residential short term accommodation.                              |
| STATUTORY AUTHORITY:   | Section 8 of <i>The Cities Act</i>  |
| MINISTER'S APPROVAL:   | n/a   |
| PUBLIC HEARING:        | n/a   |
| PUBLIC NOTICE:         | Leader Post October 10, 2020  |
| REFERENCE:             | Executive Committee, September 6, 2020, EX20-27 & City Council, September 30, 2020, CM20-26                   |
| AMENDS/REPEALS:        | Amends <i>The Regina Appeal Board Bylaw</i> No. 2005-4  |
| CLASSIFICATION:        | Regulatory  |
| INITIATING DIVISION:   | Office of the City Solicitor  |
| INITIATING DEPARTMENT: | Licensing and Parking Services  |