

LODGING HOUSE BY-LAW

Consolidation of By-law 94-2002 approved October 21, 2002

Amended by By-law 117-2008, 13-2003, 79-2004, 110-2004, 81-2020, 135-2021, 127-2022 and 78-2025.

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

By-Law 94-2002
of The Corporation of the City of Oshawa

being a by-law to provide for the licensing, regulating and governing of lodging houses in the City of Oshawa.

Whereas under the provisions of subsection 11(2) of the Municipal Act, 2001, S.O. 2002, c. 25 (the “Municipal Act, 2001”), 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, (78-2025)

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; (78-2025)

And Whereas the Council of the Corporation of the City of Oshawa deems it desirable to license, regulate and govern the business of operating and maintaining lodging houses for the purposes of health and safety, nuisance control and consumer protection;

Now therefore, it is enacted as a by-law of the corporation of the City of Oshawa by the Council thereof as follows:

Section 1: Short Title

1.1 This By-law may be cited as the “Lodging House Licensing By-Law”.

Section 2: Administration, Interpretation and Enforcement

2.1 Scope

2.1.1 This By-law applies throughout the City of Oshawa.

2.2 Severability

2.2.1 If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

2.3 Compliance with other By-Laws and Regulations

2.3.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

2.3.2 If there is a conflict between a provision in this By-law and a provision of any other City by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

2.4 Gender and Number

2.4.1 In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.

2.5 Headings

2.5.1 The headings of sections, subsections and articles in this By-law are inserted for ease of reference only and do not affect the interpretation of this By-law. Language within parentheses do form a part of this By-law.

2.6 Numbering System

2.6.1 The numbering system for sections, articles and sentences for this By-law is explained as follows:

Each “section” is numbered with an Arabic numeral. The second Arabic numeral following the first (separated by a decimal) describes the “subsection”. The third Arabic numeral (where one appears) following the second (separated by a decimal) describes the “article.” Clauses, lists of items, provisions or requirements within subsections or articles are defined by alphabetic characters enclosed by parentheses.

2.7 And/Or

- 2.7.1 The word “and” is an inclusive conjunction, the use of which indicates that all items or phrases in the subsection, article, or list in which it appears are permitted or required, as the case may be. The word “or” is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word “or” may also be an inclusive conjunction having the same meaning as the word “and”.

2.8 References To Legislation

- 2.8.1 All references in this By-law to names of Acts of the Legislature are, unless otherwise noted, references to the Revised Statutes of Ontario, 1990 edition. Similarly, all references in this By-law to names of Regulations are, unless otherwise noted, references to the Revised Regulations of Ontario, 1990 edition. All references to Acts of the Legislature, Regulations and By-laws include applicable amendments, including successor Acts, Regulations and By-laws.

2.9 Defined Terms

- 2.9.1 Wherever the first letter of a term set out in the text of this By-law is capitalized, save for the first letter of terms which begin a sentence, section, subsection or article (unless that term is defined by this By-law) the term shall have the meaning set out for it in Section 3 and shall include the plural, past and future tense, with the necessary modification in interpretation required by the context. Wherever the first letter of a term set out in this By-law appears in lower case, it shall be deemed to have the meaning ordinarily attributed to it in the English language.

2.10 Use

- 2.10.1 In this By-law, unless the context requires otherwise, the verb “use” shall include “intend to use”, “design to use” and “cause or permit to use”.

2.11 Effective Date

- 2.11.1 This By-law shall come into force on January 1, 2003.

2.12 Repeal Of Existing By-Law

- 2.12.1 On the date that this By-law comes into force, By-law 74-84 is repealed.

2.13 Notices

- 2.13.1 Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:
- a) on the date a copy is personally delivered to the Person to whom it is addressed;
 - b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person’s last known address;
 - c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person’s last known facsimile transmission number;
 - d) upon sending a copy by e-mail transmission to the Person’s last known e-mail address; or
 - e) upon a copy being posted on the door of any Building or structure on the Person’s Property or, where no Building or structure exists, on a stake erected by the Officer on the Person’s Property.

(78-2025)

Section 3: Definitions

3.1 For the purpose of interpreting the provisions set forth in this By-law, the following definitions shall apply:

“Accessory Building” means a detached Building not used for human habitation.

“Apartment Building” means a Building or part of a Building containing three (3) or more Dwelling Units, including Stacked Townhouses, but does not include Flats, Block Townhouses or Street Townhouses. For the purpose of this definition “Dwelling Unit” means a unit consisting of one or more rooms, which unit contains toilet and cooking facilities. (78-2025)

“Applicant” includes a Person or their authorized agent seeking a licence or renewal of a licence, or a Person whose licence is being considered for revocation or suspension. (78-2025)

“Bed and Breakfast Establishment” means a Single Detached or Farm Dwelling in which not more than three bedrooms are made available for the temporary accommodation of travelers, to whom meals may be furnished, but does not include a Hotel or Lodging House.

“Block Townhouse” means a townhouse served by a private driveway or aisle, but does not include a Street Townhouse. (78-2025)

“Building” means any Structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport. (78-2025)

Intentionally deleted. (78-2025)

Intentionally deleted. (78-2025)

“City” means The Corporation of the City of Oshawa.

“Committee” means the Committee of Council to which Council has delegated the responsibility of handling lodging house licensing matters. (110-2004)

“Correctional Group Home” means a Group Home containing one or more Persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity.

“Council” means the Council of the Corporation of the City of Oshawa. (78-2025)

“Crisis Care Residence” means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel.

“Director” means the City’s Director, Municipal Law Enforcement and Licensing Services, including their designates. (78-2025)

“Dwelling” means a Building or Structure or part of a Building or Structure used for the purpose of human habitation, and includes a Building that would be used or would be intended to be used for such purposes, except for its state of disrepair, and shall include every Building on a residential Property other than an Accessory Building.

“Dwelling Unit” means that part of a Dwelling consisting of one or more Habitable Rooms, which contains toilet and cooking facilities and which is designed for use as a single housekeeping establishment.

“Farm Dwelling” means a Single Detached Dwelling which is located or intended to be located on a lot used for agricultural purposes.

“Fire Chief” means the Fire Chief of the City of Oshawa Fire Services who is statutorily appointed pursuant to the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, including their designates. (78-2025)

“Flat” means a Dwelling Unit with the following characteristics:

- a) It is located within a Building not exceeding four storeys in height, which building contains commercial uses on the first floor;

- b) If located on the first floor, it is located behind the non-residential uses located at the front of the Building adjacent to the street line;
- c) It is completely separate from commercial uses; and
- d) It has an independent entrance either directly from the outside or through a common vestibule or hallway.

For the purposes of this definition, “storey” refers to storeys other than basements and the “first floor” is the floor, other than a basement, closest to the ground level.

For the purpose of this definition “Dwelling Unit” means a unit consisting of one or more rooms, which unit contains toilet and cooking facilities. (78-2025)

“Grade” means the average elevation of the finished surface of the ground where it meets the exterior of the front of the Lodging House.

“Group Home” means a Dwelling Unit housing three to ten persons, exclusive of staff, who by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well being, and who live under responsible supervision, with the group home licensed or approved for funding under Provincial Statutes.

“Gross Floor Area” means the sum total of the horizontal areas of the floors in a Lodging House, measured from the exterior faces of the exterior walls (or where calculated individually for one or more uses in a Lodging House measured from the centreline of the common wall separating the uses) and, where provided, shall include corridors, lobbies, half-storeys and areas occupied by interior walls or partitions, but shall not include any floor area located below Grade.

“Habitable Room” means a room in a Dwelling used, designed to be used or capable of being used for living, sleeping, cooking or eating purposes.

“Hearing Officer” means each person from time to time appointed by the Chief Administrative Officer of The Corporation of the City of Oshawa or their designate pursuant to the Screening and Hearing Officer By-law 17-2024, as amended. (78-2025)

“Hospital” means any institution, land, Building or part of a Building, Structure or other premises or place established for the diagnosis or treatment of Persons afflicted with or suffering from sickness, disease or injury, including mental or nervous illness, or for the treatment of convalescent or chronically ill Persons.

“Hotel” means a Building, or part of a Building or group of Buildings mainly used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation and includes a motel or motor hotel but does not include a Bed and Breakfast Establishment or a Lodging House.

“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. (78-2025)

“Lodging House” means a Building or a part of a Building, containing three (3) to ten (10) Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity or sorority house. It does not include a Hotel, a Crisis Care Residence, a Hospital, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Nursing Home, a Flat, an Apartment Building or a Block Townhouse. A Lodging House may contain shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas, such as living rooms, may or may not be provided. (78-2025)

“Lodging Unit” means one or more rooms within a Lodging House used or designed to be used for sleeping accommodations. Lodging Units may contain cooking or Washroom facilities, but not both. (78-2025)

Intentionally deleted. (78-2025)

“Lot” means a parcel of land which is:

- a) Shown as a lot or block on a registered plan of subdivision; or
- b) Described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office or the Land Titles Office for the Land Registry Division of Durham. (78-2025)

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended. (78-2025)

Intentionally deleted. (78-2025)

“Nursing Home” means a Building or part of a Building in which rooms or lodging are provided in conjunction with the provision of meals, personal care, nursing services and medical care and treatment, but does not include a Hospital.

“Officer” shall mean each of:

- a) the Director;
- b) a Municipal Law Enforcement Officer appointed by Council or by the Director to enforce a by-law or a direction or order of the City made under the Municipal Act or made under a City by-law; and
- c) a police officer employed by a municipal police force or by the Ontario Provincial Police. (78-2025)

“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:

- a) Provides the services of a Lodging House;
- b) Is entitled to any income accruing from using, maintaining or operating a Lodging House;
- c) Manages or controls a Lodging 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 Lodging House; or
- d) Has responsibility for or control over the condition of a Lodging House, or the Property, or the activities carried on there or control over Persons authorized to enter that Property.

“Person” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and the heirs, executors or legal representatives of the Person to whom the context can apply according to law.

“Property” means the Lot on which a Lodging House sits.

Intentionally deleted. (78-2025)

Intentionally deleted. (78-2025)

Intentionally deleted. (78-2025)

“Single Detached Dwelling” means a Building which is freestanding, separate and detached from other main Buildings or main Structures and which contains only a Dwelling Unit, but does not include a mobile home.

“Stacked Townhouse” means a Building designed to contain three (3) or more Dwelling Units attached side by side, two (2) units high. (78-2025)

“Street Townhouse” means a townhouse with each Dwelling Unit having lot frontage and direct vehicular access to an improved street that is maintained by a municipality. (78-2025)

“Structure” means anything that is erected, and which is fixed to or supported by the soil, a Building or another Structure, but does not include a Building or fence.

“Washroom” means that part of a Building containing one or more of a toilet, urinal, bathtub, shower or washbasin.

Section 4: Requirements to be Licensed (78-2025)

- 4.1 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 Lodging House, or any part thereof, as a business without first obtaining a licence therefor under the provisions of this By-law.
- 4.2 Where a licence has been issued under this By-law for the use, operation or maintenance of a Lodging 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 Lodging House, or any part thereof, except in conformity with the terms and provisions of the licence and this By-law.
- 4.3 Licences issued pursuant to this By-law are conditional on the Owner’s compliance with all City By-laws, including but not limited to, the Zoning By-law 60-94, as amended, the Property Standards By-law 1-2002, as amended, and compliance with all laws and regulations of the Province of Ontario and Government of Canada, each as amended. (78-2025)

Section 5: Licence Application

- 5.1 An application for a licence or renewal of a licence shall be made at a location and on a form as prescribed by the Director. (79-2004, 78-2025)
- 5.2 The application for licences and the application for licence renewals under this By-law shall be submitted to Licensing Services on forms approved by the City and shall contain the information as required by Section 5 of this By-law. (13-2003, 78-2025)
- 5.3 The application for licences and the application for licence 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 that the Building on the subject Property, and the contemplated use thereof, complies with the requirements of Subsections 6.1 a), c), j) and (if applicable) h) of this By-law;
 - c) A statement from the Fire Chief that the Building on the subject Property complies with the requirements of Subsection 6.1 b) of this By-law;
 - d) Subject to Subsection 6.2, the inspection certificates required in Subsection 6.1 d), e), and f);
 - e) Acknowledgments in writing allowing the City and all appropriate authorities having jurisdiction, to enter the subject Property, including any Buildings or Dwellings or Lodging Units thereon, 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 true copy of the record of any business name used for the Lodging 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 City 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 Fees and Charges By-law 109-2024, as amended. (78-2025)
- 5.4 Where the application is only for a renewal of a licence, the following information need only 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 or Land Titles Office for Durham Region, 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 corporation, its articles of incorporation;
- d) If the registered owner is a partnership, the name, address and telephone number of the individual members of the partnership;
- e) The name, address and telephone number of the keeper, manager or operator of the Lodging House if it is not the same as the registered owner;
- f) The location of the Lodging House including address and legal description;
- g) The number of Lodging Units available for Lodgers;
- h) The number of Washrooms available for use by Lodgers; and
- i) The number of parking spaces available for use by Lodgers. (78-2025)

5.5 Notwithstanding subsections 5.3 and 5.4, the Director 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. (78-2025)

5.6 Applications submitted for a licence or a renewal of a licence which do not meet the specifications prescribed by the Director, 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. (78-2025)

5.7 Where the applicant or licensee meets all of the requirements of this By-law, the Director may grant a licence, or renewal, as the case may be. (78-2025)

5.8 No Person shall knowingly give false information when applying for a licence under this By-law. (78-2025)

Section 6: Licence Requirements

6.1 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 City's Zoning By-Law 60-94, as amended; (78-2025)
- 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 City's Property Standards By-Law 1-2002, as amended; (78-2025)
- 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) An inspection certificate has been provided 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 certificate from Fire Services of the City has been provided verifying that all carbon monoxide detectors installed on the subject Property are in working order;
- g) Intentionally deleted; (78-2025)

- h) 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;
- i) The Lodging House complies with all of the requirements of this By-law;
- j) Any signs located on the subject Property are in compliance with the City's Sign By-law;
- k) 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 City be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;
- l) Intentionally deleted; (78-2025)
- m) The Lodging House is not located within 45 metres of another Lodging House. For the purposes of this subsection, the distance shall be measured from the perimeter of the Property for which the licence is sought to the perimeter of the next nearest Property on which a Lodging House is situated. Provided that, this paragraph m) shall not apply to those Properties where the business of a Lodging House was being carried on or engaged in at that location at the time this By-law first came into force; and
- n) The fees have been paid as set out in the Fees and Charges By-law 109-2024, as amended. (13-2003, 78-2025)

6.2 Notwithstanding the provisions of Subsection 6.1, where an Owner has previously submitted the certificate required by Subsection 6.1 d), and where that certificate is less than five (5) years old, the Owner need not submit current certificates in that regard.

6.3 Where an Applicant is denied a licence by the Director or is dissatisfied with any condition imposed by the Director in relation to a licence, the Applicant may request a review by the Hearing Officer of the Director's denial or condition in accordance with this section.

- a) The hearing of the review request under section 6.3 shall not be scheduled until the Applicant has paid the fee prescribed by the City's Fees and Charges By law 109-2024, as amended.
- b) The Applicant shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the review request under subsection 6.3.
- c) The Hearing Officer shall not make a determination with respect to a review request under section 6.3 unless the Hearing Officer has given each the Applicant and the Director an opportunity to be heard.
- d) The Hearing Officer may deny the application, grant a licence and/or impose any conditions the Hearing Officer sees fit as a condition of obtaining, continuing to hold or renewing the licence.
- e) The decision of the Hearing Officer and any condition imposed by the Hearing Officer in relation to a licence granted by the Hearing Officer is final and not subject to review including review by any Court. (78-2025)

6.4 Incomplete applications ineligible for consideration of a licence pursuant to Subsection 5.6 are not subject to review by the Hearing Officer. (78-2025)

Section 7: Hearings by Hearing Officer (78-2025)

7.1 The Hearing Officer may revoke, suspend, impose any conditions upon or refuse to issue or renew any licence to any Applicant under this By-law. (79-2004, 110-2004, 78-2025)

7.2 The Hearing Officer may, in exercising their discretion in section 7.1, consider any matter raised under sections 4.3, 5.5 or any other matter that relates to the general welfare, health or safety of the public. (78-2025)

- 7.3 The Hearing Officer shall not make a decision under section 7.1 without first providing the Applicant the opportunity to be heard. (78-2025)
- 7.4 After such opportunity to be heard is provided to the Applicant, the Hearing Officer may make any decision in respect of any matters that were raised during the hearing, without holding a further hearing or providing further opportunity for a hearing in such matter. (78-2025)
- 7.5 A decision by the Hearing Officer to revoke, suspend or refuse a licence shall be effective when notice of the decision has been given to the Applicant in accordance with subsection 2.13. (78-2025)
- 7.6 The decision of the Hearing Officer is final and not subject to review including review by any Court. (78-2025)
- 7.7 Intentionally deleted. (78-2025)
- 7.8 Intentionally deleted. (78-2025)

Section 8: Fees

- 8.1 No application for a licence and no application for a licence renewal shall be accepted unless it is accompanied by the application fee as set out in the Fees and Charges By-law 109-2024, as amended. (13-2003, 78-2025)
- 8.2 No licence shall be issued under this By-law until the licence fee has been paid in full to the Director. (13-2003, 78-2025)

Section 9: Inspections

- 9.1 Upon receipt of an application for a licence or licence renewal, inspections of the Lodging House will occur at the location named in the application to determine whether such Lodging House complies with this By-law.
- 9.2 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.
- 9.3 The applicant shall provide an authorization from each Lodger for permission for authorized Persons to enter all Lodging Units on the Property (at a time and day convenient to the City, the applicant and the Lodgers) for the purposes of conducting inspections under this By-law.
- 9.4 Every Lodging House shall be subject to an annual Fire Services and Property Standards inspection.
- 9.5 Subject to Subsection 9.6, an Officer may (between the hours of 6 a.m. and 9 p.m. and upon producing proper identification) enter upon a Property and into Buildings without a warrant to inspect a Property for compliance with the provisions of this By-law. (78-2025)
- 9.6 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 Lodging 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. (78-2025)
- 9.7 No Person shall obstruct or attempt to obstruct an Officer in carrying out a lawful inspection under this Section. (78-2025)

Section 10: Terms of the Licence

- 10.1 All licences issued under this By-law shall expire on the thirty-first (31st) day of December of each year. (78-2025)

- 10.2 Where a licence is issued under this By-law, the licence shall be displayed in a prominent location inside the main entrance of the Lodging House together with a list of any conditions imposed upon the licence. The licence shall indicate the following:
- a) The information set out in Subsection 5.4; (78-2025)
 - b) The maximum number of Lodging Units allowed on the Property;
 - c) The licence number;
 - d) The date of issue;
 - e) The date of expiry; and
 - f) The name of the Owner or, where the Owner does not reside in the City of Oshawa, the Owner's agent who does reside in the City of Oshawa, and sufficient information to enable immediate contact with that Owner or Owner's agent.
- 10.3 Every licence issued under this By-law is issued subject to the following conditions:
- a) That the maximum number of Lodging Units as provided for in the licence is not exceeded;
 - b) That all Federal and Provincial laws and City 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.
- 10.4 Intentionally deleted. (78-2025)
- 10.5 Intentionally deleted. (78-2025)
- 10.6 If, at any time after the issuance of a licence, the Owner or their agent, as the case may be, shall cease to reside in the City of Oshawa, the Owner shall, within seven (7) days of such cessation, file with the Director, a signed consent and appointment appointing some other Person who is a resident of the City of Oshawa. (78-2025)
- 10.7 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 Lodging House and shall be deemed to be an Owner.
- 10.8 Intentionally deleted. (78-2025)
- 10.9 Every Owner of a Lodging House shall post a fire safety plan, approved by the Fire Chief for the City, or his/her designate, in a conspicuous place in the Lodging House.

Section 11: Revocation / Suspension

- 11.1 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 City. (78-2025)
- 11.2 If the Director is satisfied that the continued operation of a Lodging House licensed under this By-law poses an immediate danger to the health or safety of any person or property, the Director may suspend the licence without a hearing on conditions they consider appropriate, subject to the following:
- a) before suspending the licence, the Director shall provide the Applicant with the reasons for the suspension, either orally or in writing, and an opportunity to respond to the reasons; and
 - b) the suspension shall not exceed fourteen (14) days. (78-2025)

- 11.3 If the Director is satisfied that Lodging House licensed under this By-law is in non-compliance with this or any other City By-law or law or regulation of the Province of Ontario or Government of Canada, the Director may refer the licence to the Hearing Officer under Section 7 to revoke, suspend, impose any conditions upon or refuse to issue or renew the licence. (78-2025)
- 11.4 Notwithstanding section 11 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 Director referring the licence to the Hearing Officer under Section 7 to revoke, suspend, impose any conditions upon or refuse to issue or renew the licence. (78-2025)
- 11.5 An Owner licensed to carry on the operation of a Lodging House under this By-law may voluntarily surrender their licence to the City by providing written notice to the Director. The licence shall be considered surrendered immediately upon receipt of the written notice by the City. (78-2025)

Section 12: Intentionally Deleted (78-2025)

Section 13: Offence (78-2025)

- 13.1 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.
- 13.2 Where a corporation is convicted of an offence under subsection 13.1, the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in that subsection.

Section 14: Administrative Penalties

- 14.1 No Person shall fail to comply with any provision or standard of this By-law. (127-2022)
- 14.2 Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law. (81-2020)
- 14.3 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of the Lodging House Licensing By-law, and the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$250. If a Person receives an additional penalty notice for the same contravention of the Lodging House Licensing By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$350. If the Person receives a subsequent penalty notice for the same contravention of the Lodging House Licensing By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$450. If the Person receives any subsequent penalty notices for the same contravention of the Lodging House Licensing By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$450. (81-2020)

By-law read a first, second and third time and finally passed this twenty-first day of October, 2002.

2005 06 16