



# Niagara-on-the-Lake

April Smith – By-Law Enforcement

Short Term Rental – Denial Letter Appeal

33 Mary Street – June 18, 2024

# Short Term Rental By-Law 4634-13

A [by-law](#) for licensing, regulating and governing of Short Term Rentals in the Town of Niagara-on-the-Lake

## Overview Of the Short Term Rental Application Process

1. Applicant applies for a Short Term Rental License and submits all required documentation.
2. Short Term Rental Officer reviews application and distributes the application to the various departments for review.
3. If the application is denied, a denial letter is sent and the applicant may request an appeal of the decision.
4. Appeal hearing is scheduled, and the details are presented to Council.
5. Council may then make the decision to;
  - Rescind the refusal or revocation action
  - Confirm the refusal of revocation actions, or
  - Modify the action and create requirements of compliance

# Comprehensive Zoning By-Law 4316-09, as amended

A by-law used by the Town to regulate the use of land.

## Section 6: General Provisions

### Subsection 6.10(e) – Cottage Rentals;

*A maximum of one “Cottage Rental” per lot is permitted and no other use of the property is permitted, including secondary residential units or suites, a second “Cottage Rental”, “Villa”, or secondary uses;*

# Short Term Rental By-Law No. 4634-13

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## Section 4.05: Pre-License Inspection

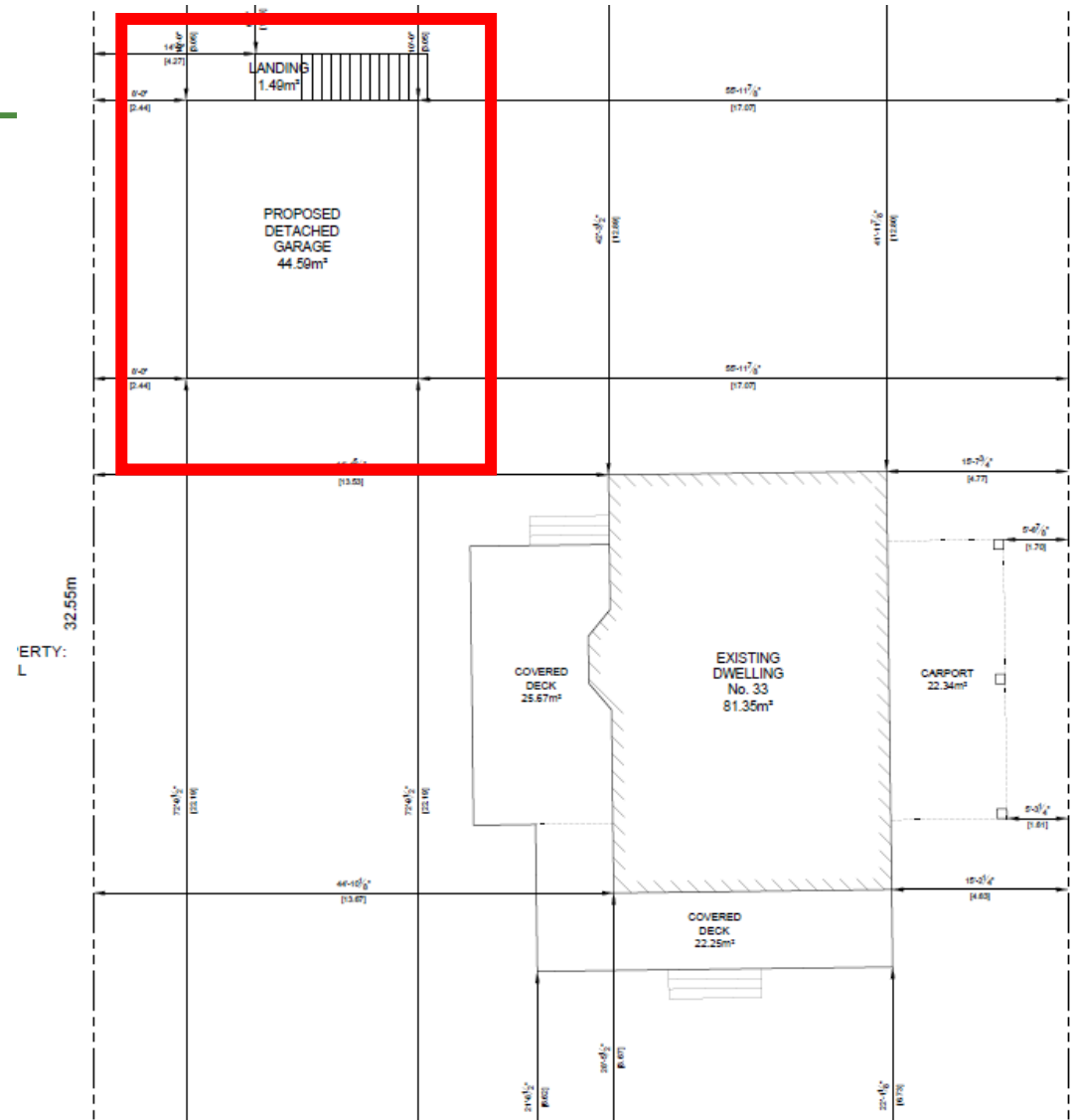
### Subsection 1:

It is the responsibility of any person applying for a license to coordinate with the Town Clerk, to arrange for an inspection of the property as a condition to and prior to receiving a license to ensure compliance with the following:

- (a) provisions of this by-law;
- (b) Ontario Fire Code;
- (c) Ontario Building Code;
- (d) Property Standards By-law;
- (e) Clean Yards By-law;
- (f) Zoning By-laws; and
- (g) Ontario Electrical Safety Code; and -4634C-20
- (h) any other Town by-laws that may affect the status of the application.

# Property: 33 Mary Street

On December 06, 2023, a permit to construct an accessory building with a secondary dwelling unit was issued to the property owner. Occupancy was granted on May 15, 2024. As a result of the secondary dwelling unit being constructed, a cottage rental is not permitted.



# Reason For Denial of Application

Under the Comprehensive Zoning Bylaw No. 4316-09, as amended, Section 6.10(e), notes that;

*A maximum of one “Cottage Rental” per lot is permitted and no other use of the property is permitted, including secondary residential units or suites, a second “Cottage Rental”, “Villa”, or secondary uses;*

A cottage rental is not a permitted use on the property due to the accessory dwelling unit. This does not prevent the applicant from applying for a Bed and Breakfast license which is occupied full-time by an owner or tenant. However, the accessory dwelling unit would not be included in the licensing and could not be used as an extension to the Short Term Rental License.



**Thank you.  
Any Questions?**