



October 5, 2022

The Corporation of the Township of Tiny  
130 Balm Beach Road West  
Tiny ON L0L 2J0

Dear Mayor Cornell and Members of Council:

**RE: Proposed amendments to the STR Licencing By-law**

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Through the implementation of the Short-Term Rental ("STR") by-law and corresponding licensing process, staff has made us aware of concerns with the current language of By-law 22-017.

Based on our review of these concerns, it is recommended that Sections 6.1(e) and 7.6 be amended.

**Section 6.1(e)**

Section 6.1(e) currently reads:

Every application for a new Licence, or the renewal of an existing Licence, shall include:

...

e) a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury. Such insurance policy must identify that a Short-Term Rental Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the Township shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy;

Staff has received feedback that insurance providers are reluctant to provide an endorsement to notify the Township within 10 days of a change or cancellation of the policy.

There are three options available to the Township:

1. It is our recommendation that Licensees be required to add the Township as an additional insured which would provide additional protections to the Township as well as notification of cancellation or changes to the policy.

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We deliver peace of mind.



The following language is recommended, should this be the desired amendment:

a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury. Such insurance policy must identify the Township, including its employees, directors and officers, as an additional insured party and acknowledge that a Short-Term Rental Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the Township shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy.

2. In the interest of not adding additional requirements to the licensing process, Council may wish to switch the requirement of notification to the Licensee, rather than the insurance company having to provide this endorsement.

If this is the route Council wishes to take, it is recommended that the following language replace this section:

a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury. Such insurance policy must identify that a Short-Term Rental Accommodation is being operated on the Premises. The Licensee must also agree in a statutory declaration to notify the Township in writing immediately, and in any event no later than 4 days after becoming aware, of any cancellation or material variation to the policy.

3. Thirdly, Council may choose to keep section 6.1(e) in its current form. If insurance providers are unwilling to provide the necessary endorsement, applicants will be unable to qualify for a licence which would be problematic for the program.

## **Section 7.6**

There are privacy concerns related to the current language of Section 7.6 and the requirements contained therein.

Section 7.6 currently reads:

The Licensee shall maintain a guest register which indicates the Renters' and Guests' names, addresses, telephone numbers, number of Renters and Guests, length of stay, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves. This guest register must be provided to the Township within 24 hours upon request.



The collection, retention and disclosure of personal information by a licensee is problematic under relevant privacy legislation. It has also been determined that the licensing program does not require this personal information of renters and guests for implementation or enforcement.

It is recommended that Section 7.6 be amended with the following language:

The Licensee shall maintain a guest register showing the property address and licence number which indicates the following information for each rental: check-in and check-out dates, the number of Renters and Guests, confirmation that the renters have been given and have signed the required documents, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves. This guest register must be provided to the Township within 24 hours upon request.

If this section is not amended, it could be found to be unenforceable and there would not be a requirement in the by-law to keep a guest register. Municipal Law Enforcement and Fire & Emergency Services have confirmed that the proposed language is acceptable for their purposes. A proposed guest register form is attached to this opinion

I will be in attendance on October 12, 2022 to answer any questions regarding this opinion.

Yours very truly,

**BARRISTON**<sup>LLP</sup>

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Encl.



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## Guest Register

Property Address: \_\_\_\_\_ Licence number: \_\_\_\_\_

Check-in date	Check-out date	Number of Renters	Number of Guests	Renters have been given and signed required documents	Smoke and carbon monoxide alarms inspection after check out. Provide name of person who completed & date of inspection.