

The Corporation of The Town of Ajax By-Law 92-2025

Being a By-law to license, regulate and govern crisis care facilities in the Town of Ajax.

Whereas, Subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act, 2001") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues; and

Whereas, Subsection 11(2) of the Municipal Act, 2001, permits a lower-tier municipality to pass by-laws respecting matters such as the health, safety and well-being of persons and the protection of persons and property; and

Whereas, Section 128 of the Municipal Act, 2001, permits a municipality to pass by-laws prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

Whereas, Section 129 of the Municipal Act, 2001, permits a municipality to pass by-laws prohibiting and regulating with respect to noise, vibration, odor, dust and outdoor illumination; and

Whereas, Sections 150 to 153 of the Municipal Act, 2001, a municipality may exercise its power to license, regulate and govern any business and events carried on within the municipality, and may prohibit the carrying on or engaging in the business without a license, refuse, revoke or suspend a license, impose conditions on a license, and license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and

Whereas, Subsection 391(1) of the Municipal Act, 2001, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and

Whereas, Subsection 425(1) of the Municipal Act, 2001, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001, is guilty of an offence; and

Whereas, Section 426 of the Municipal Act, 2001, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under the Act; and

Whereas, Subsection 429(1) of the Municipal Act, 2001, provides that a municipality may establish a system of fines for offences under a by-law passed under the Municipal Act, 2001; and

Whereas, Subsection 436(1) of the Municipal Act, 2001, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law; and

Whereas, Sections 444 and 445 of the Municipal Act, 2001, provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention; and

Whereas, the Council of the Corporation of the Town of Ajax considers it desirable and necessary to license, register, regulate and govern Crisis Care Facilities.

Therefore, it is enacted as a By-law of the Corporation of the Town of Ajax as follows:

1. Short Title

1.1. This By-law may be referred to as the "Crisis Care Facility By-law".

2. Scope and Interpretation

2.1. Unless otherwise stated:

- a) a reference to any statute or regulation refers to a statute or regulation of Ontario as it may be amended or replaced from time to time;
- b) a reference to a by-law refers to a by-law of the Town as it may be amended or replaced from time to time; and
- c) a reference to a section, paragraph, clause, or schedule is a reference to this By-law's section, paragraph, clause, or schedule.

2.2. Where the provisions of this By-law conflict with the provision of any other By-law in force in the Town, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

2.3. In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare.

2.4. The headings in this By-law are for convenience only and do not form part of this By-law.

2.5. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed, and the remainder continues to be valid.

3. Definitions

3.1. For the purposes of this By-law the following terms are defined:

- a) "Administrative Penalty" means an administrative monetary penalty issued pursuant to the Town of Ajax Administrative Monetary Penalty By-law.
- b) "Applicant" includes a Person, or agent or representative of a Person, seeking a Licence, or renewal of a Licence or a Person whose Licence is being considered for revocation or suspension.
- c) "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.
- d) "Code of Conduct" means a document that sets out behavioral standards and expectations for individuals within the Crisis Care Facility including staff, contractors, representatives, and occupants. It outlines how these individuals are expected to engage with each other and the surrounding

community in a manner that promotes public welfare, fosters positive relationships, and minimizes adverse impacts such as noise or Nuisance. The Code of Conduct also provides guidance on applicable municipal by-laws and includes procedures for addressing violations, including disorderly or violent behavior.

- e) "Council" means the Council of the Town of Ajax.
- f) "Crisis Care Facility" or "C.C.F." means a building or part thereof operated, in whole or in part, by a public authority, non-profit organization, charitable agency or other entity that provides temporary accommodation and associated support services to persons requiring immediate emergency shelter and/or related care, due to circumstances such as homelessness, domestic violence, or other crisis.
- g) "Crisis Care Facility Property" means the real property on which a C.C.F. is situated or proposed to be situated and includes each Building on the real property on which the Crisis Care Facility is situated.
- h) "C.C.F. Operator" includes the Owner of the property on which the C.C.F. is located or proposed to be located, and also includes any Person who, alone or with others, or through others:
 - i. Provides the services of a Crisis Care Facility;
 - ii. Manages or controls a Crisis Care Facility;
 - iii. Has responsibility for or control over the condition of a Crisis Care Facility, or the Property, or the activities carried on there or control over Persons authorized to enter that Property; or
 - iv. Provides funding to a Crisis Care Facility, excluding the Province of Ontario, Federal Government of Canada and Persons making charitable donations to a Crisis Care Facility.
- i) "Delegated Power of Decision" means a power or right conferred by or under a Town By-law to make a decision deciding or prescribing:
 - i. the legal rights, powers, privileges, immunities, duties or liabilities of any person or party; or
 - ii. the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is legally entitled thereto or not.
- j) "Director" means the Town's Director of Public and Strategic Affairs or their designate.
- k) "Hearing Officer" means a person appointed by the Town to conduct hearings and render decisions in accordance with this By-law.
- l) "Licence" means an authorization under this By-law to carry on a business, activity, matter or thing specified therein, and the document, certificate, plate or card issued which provides evidence of such authority as the context may require.

- m) "Licensee" means a Person to whom a Crisis Care Facility Licence has been issued under this By-law.
- n) "Local Contact" means a Person whose contact information is provided to the Town who is authorized by the Crisis Care Facility Operator to take all necessary steps to resolve urgent issues related to a C.C.F.
- o) "Manager" means the person from time to time performing the functions of the Town's Manager, By-law Services.
- p) "Nuisance" means excess or unlawful use of one's property to the extent of unreasonable annoyance, inconvenience or interference to a neighbour or to the public, including but not limited to noise, noxious odours, and traffic.
- q) "Officer" means:
 - i. the Director;
 - ii. the Manager;
 - iii. each person from time to time appointed as a Municipal Law Enforcement Officer to enforce a Town by-law or a by-law of a Municipality; and
 - iv. the Town's Chief Fire Prevention Officer or their designate.
- r) "Operate" means to be engaged in the provision of a service, activity, matter or thing, offer to provide a service, activity, matter or thing, or facilitate the offer of a service, activity, matter or thing, whether directly or indirectly, associated with a Crisis Care Facility.
- s) "Order" means an Order issued under this By-law.
- t) "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.
- u) "Person" includes a natural person, partnership, association, firm or corporation and, where an Administrative Penalty has been given to more than one Person, includes each such Person.
- v) "Property" means all land, buildings and structures within the legal boundary lines of a property, including without limitation, yards, parts of a building or structure, mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected and includes vacant property, real property and chattel.
- w) "Proceeding" means a proceeding before a Hearing Officer and includes a Hearing.
- x) "Town" means The Corporation of the Town of Ajax or the geographic area of the Town of Ajax as the context requires.
- y) "Zoning By-law" means a by-law passed by the Town pursuant to section 34 of the Planning Act (Ontario).

4. Licensing Requirements

- 4.1. No Person shall Operate, advertise, broker or permit the Operation, advertising, or brokering of a Crisis Care Facility in the Town without a valid C.C.F. Licence.
- 4.2. A Person who receives a C.C.F. Licence shall comply with the regulations in this By-law set out as applicable to the C.C.F. being carried on.
- 4.3. Any Person, including any employee, contractor, supervisor, officer, director, agent, trustee, or municipal funder of a C.C.F. Operator that:
 - a) Permits, causes, concurs in, participates in, or acquiesces in non-compliance or a violation of this By-law; or
 - b) Has the ability to influence or control and the opportunity to prevent non-compliance or a violation of this By-law but fails to do so;is in contravention of this By-law.
- 4.4. A separate Licence shall be obtained for each Property from which a C.C.F. is operated, regardless of whether the C.C.F. Operator holds a Licence in respect of another C.C.F.
- 4.5. Every Licence issued pursuant to this By-law shall be subject to the condition that the Licensee comply with all municipal by-laws, including, but not limited to, the Town's Zoning By-law and Property Standards By-law, and comply with all applicable Provincial and Federal Laws and Regulations.
- 4.6. Without limiting paragraph 4.1 of this By-law, no Person shall permit the promotion or advertising of a C.C.F. as being available for occupancy or permit to be offered to any Person a right to occupy a C.C.F. except a C.C.F. in respect of which a Licence has been issued and maintained in good standing pursuant to this By-law.
- 4.7. No Person to whom a Licence is issued shall fail to comply with the conditions of the said Licence.

5. Application Procedure

- 5.1. An application for a Licence or renewal of a Licence shall be made at the office of the Manager on the form prescribed and the Manager may prescribe any information to be given therein and other necessary papers to be completed or submitted by the Applicant in conjunction with the application.
- 5.2. Prior to, and during the application procedure, the Applicant and the Manager may communicate about the application procedure, licence requirements, and licence conditions.
- 5.3. Without limitation, the Manager may require an Applicant to provide each Applicant's name, address, telephone number and e-mail address.
- 5.4. The Manager may require affidavits in support of an application.
- 5.5. During the course of processing an application for a License, the Manager may cause such investigations or inquiries to be undertaken as the Manager determines are relevant. If such investigation or inquiry discloses any of the

following, the Manager may, in their sole and absolute discretion, deny the application or impose conditions on the License as deemed appropriate:

- a) the Applicant's premises or Property in respect of which a License is sought is the object of an outstanding order to comply made under the Town's Property Standards By-law 46-2017 or discloses non-compliance with any of the Town's by-laws, including the Zoning By-law or any parking requirements of the Town;
 - b) the Applicant's premises or Property in respect of which a License is sought requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
 - c) the Applicant's premises or Property in respect of which a License is sought requires corrective action pursuant to an order of the Fire Chief to ensure the fire safety, including notices of violation or orders made under the Fire Protection and Prevention Act and its Regulations;
 - d) the Applicant is incompetent in a manner that affects the safety, health or welfare of the public;
 - e) the Applicant has been found to have discriminated against a member of the public contrary to the Human Rights Code;
 - f) the Applicant is indebted to the Town in respect of fines, penalties, judgments or any another amounts owing, including awards of legal costs and disbursements and including outstanding property taxes and late payment charges against all properties owned by the applicant in any capacity (legally, beneficially or otherwise) and where the applicant is a corporation, against all properties owned by an officer, or shareholder of the applicant; or
 - g) notwithstanding the preceding clause f), the Applicant is indebted to the Town in respect of an administrative monetary penalty imposed pursuant to subsection 22.5;
 - h) the Applicant is in breach of this or some other Town by-law or law of Ontario or Canada;
 - i) the health, safety and well-being of the surrounding community, including the presence of sensitive or vulnerable uses in the vicinity of the Property in respect of which a License is sought;
 - j) the potential impact on neighbouring property and property owners, including businesses;
 - k) the past conduct of the applicant;
 - l) the number of currently licensed Crisis Care Facilities within the Town, relative to the demonstrated need for such facilities in the interest of the inhabitants of the Town.
- 5.6. No Applicant shall be issued a Licence by the Manager that has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against Persons) or IX

(Offences Against Property) of the Criminal Code of Canada, R.S.C. 1985 c. C46, as amended.

- 5.7. In the event that an Applicant has been convicted of a criminal offence other than those listed in section 5.6, a new Licence may be issued at the discretion of the Manager.

6. C.C.F. Licence Application Requirements:

- 6.1. In addition to all other requirements of this By-law, the Manager may refuse to accept an application for a C.C.F. Licence unless the application is submitted on forms approved by the Manager and includes the following respecting the C.C.F.:
- a) Evidence of compliance with Zoning By-Law 95-2003, as amended;
 - b) Evidence that all Owners on which the C.C.F. is located are aware of, consent to and authorize the C.C.F. use;
 - c) Evidence that all Owners within a 500 meter radius of the C.C.F. Property have been notified of the C.C.F. use. For the purposes of this subsection, the distance shall be measured from the perimeter of the C.C.F. Property for which the licence is sought to the perimeter of the next nearest Property within the 500 meter radius;
 - d) An operational plan outlining specific measures to comply with Town By-laws and applicable law including but not limited to;
 - i. A Crime Prevention Through Environmental Design Assessment to maintain the safety and security of the property and surrounding community, which shall include such elements as lighting, security, video surveillance, and landscaping features;
 - ii. Operational policies, procedures and strategies to facilitate how the C.C.F. engages, communicates and works with the surrounding community to foster a positive relationship and mitigate impacts to, and maintain the safety of, neighbouring residents including noise and Nuisance mitigation;
 - iii. The provision of both on-site and mobile security 24 hours per day, 7 days per week to manage issues involving shelter occupants on the property and such circumstances involving shelter occupants in the surrounding 500 meter radius;
 - iv. A lot maintenance plan identifying locations of waste receptacles, garbage facilities and the frequency or maintenance schedule to address litter, waste accumulation and debris arising from the activity of the C.C.F. or its shelter occupants on the property and in the surrounding 500 meter radius;
 - v. A designated outdoor smoking area located and designed in accordance with all applicable law including the Durham Region Smoking and Vaping By-law and the Smoke-Free Ontario Act, 2017, 2017 S.O. 2017, c. 26, Sched. 3;

- vi. A parking plan identifying sufficient parking resources for staff, volunteers, suppliers and visitors to ensure compliance with existing parking restrictions both on street and on site;
 - vii. A Code of Conduct that reflects responsible business practices in accordance with this By-law and the Town's Public Nuisance and Safety By-law;
 - viii. A plan detailing the C.C.F. Operator's proactive measures and ongoing strategies to actively engage with, manage, and limit unsolicited donations to patrons in the surrounding neighborhood, and to mitigate any associated impacts;
 - ix. An approved site plan with fencing in areas where outdoor activities, such as programming or gatherings by patrons, are permitted by the C.C.F.;
 - x. A Fire Safety Plan approved by the Town's Chief Fire Prevention Officer or their designate.
- e) A floor plan of the building that identifies and describes, at minimum:
- i. All exits;
 - ii. All windows;
 - iii. All rooms, and identifying which rooms will be used for sleeping quarters;
 - iv. All spaces and common areas and;
 - v. A site plan showing without limitation the location and number of all parking spaces, garbage and waste storage areas, smoking areas, enclosures, accessory buildings, and fences.
- f) The provision of occupancy reports detailing the number of staff, and the number of occupants and remaining available spaces, as required by the Manager;
- g) Proof of insurance specific to the use of the property that includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury and identifies that a C.C.F. is being operated on the Property, with the Town being added as additional insured. The Applicant shall provide the Town with a certificate of insurance in a form acceptable by the Town. The insurance coverage required must be endorsed to the effect that the insurer will endeavor to provide the Town at least fifteen (15) days notice in writing of any cancellation or material variation to the policy;
- h) The contact information for a Local Contact who is available to respond to matters involving the C.C.F. at all times within a period of no greater than one (1) hour from the time of contact by telephone or email;
- i) A statement by the Applicant attesting to the accuracy, truthfulness and completeness of the application and other items, including but not limited to, that:

- i. if the C.C.F. is a leased or rented premises, the C.C.F. use is permitted by the Owner;
- ii. the C.C.F. is in compliance with various legislation as required by the Town of Ajax, including the Building Code Act, 1992, S.O. 1992, c. 23 or any regulations made under it, including the Building Code O. Reg. 332/12; all Town of Ajax municipal by-laws, including Property Standards By-law 46-2017, as amended, and Zoning By-law 95-2003, as amended; and the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, or any regulations made under it, including the Fire Code, O. Reg. 213/07;
- iii. the C.C.F. has and will continue to have working smoke alarms on each level of the C.C.F. and carbon monoxide alarms on all levels where sleeping occurs, and that the C.C.F. will have instructions in a location approved by the Town advising occupants of what to do in the event of an emergency and these instructions will include a copy of the C.C.F. floor plan submitted with the application;
- iv. the C.C.F. Operator will provide all shelter occupants with a copy of the Code of Conduct (provided by the C.C.F.) and shall require that all occupants abide by the Code of Conduct;
- v. an acknowledgment that inspections or audits may be required.

7. Licence Conditions

7.1. In addition to other requirements of the By-law, each of the following shall be a condition as a requirement of continuing to hold a Crisis Care Facility Licence:

- a) C.C.F. Operators must notify the Town in writing of any changes to the information provided at the time of licence application or renewal, prior to implementing such changes or, where prior notice is not possible, as soon as reasonably practicable;
- b) Insurance respecting the C.C.F. must be maintained that is specific to the nature of the property and includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury, and identifies that a C.C.F. is being operated on the Property, with the Town being added as additional insured. C.C.F. Operators shall provide the Town with a certificate of insurance in a form acceptable by the Town. The insurance coverage required must be endorsed to the effect that the insurer will endeavor to provide the Town at least fifteen (15) days notice in writing of any cancellation or material variation to the policy;
- c) C.C.F. Operators shall post and maintain Town-approved instructions advising occupants of what to do in the event of an emergency in a location approved by the Town, and include a copy of the floor plan submitted with the Licence application;
- d) C.C.F. Operators shall place and maintain the following fire protection systems, including but not limited to smoke alarms and carbon monoxide

alarms (in this section, 'alarms'), in accordance with the Ontario Fire Code:

- i. working smoke alarms on each level of the C.C.F.;
 - ii. working carbon monoxide alarms on all levels of the C.C.F. where sleeping occurs;
 - iii. alarms shall be maintained in good working order;
 - iv. alarms shall be less than ten (10) years old;
 - v. alarms shall be tested annually; and
 - vi. a written record of tests required by clause v) must be kept for a period of six (6) years and available at any time upon request by the Town;
- e) C.C.F. Operators must give the Fire Chief, Director, Manager, or any member of Town staff authorized by the Fire Chief, Director or Manager, access to the C.C.F. at any reasonable time for the purposes of conducting an inspection to confirm compliance with this By-law or the conditions of a Licence;
- f) C.C.F. Operators and associated C.C.F.s must ensure compliance with all applicable law, including but not limited to:
- i. the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 (Ontario) and its regulations;
 - ii. the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 (Ontario) and its regulations;
 - iii. the Building Code Act, 1992, S.O. 1992, c. 23 (Ontario) and its regulations;
 - iv. Zoning By-law 95-2003, as amended;
 - v. Property Standards By-law 46-2017, as amended;
 - vi. Clean and Clear By-law 38-2025, as amended;
 - vii. Noise By-law 44-2511, as amended;
 - viii. Public Nuisance and Safety By-law 46-2025, as amended;
 - ix. Traffic By-law 45-2020 as amended; and
 - x. Road Occupancy and Road Closure By-law 48-2025, as amended.
- g) C.C.F. Operators shall provide to each occupant a copy of the Code of Conduct and shall take reasonable steps to ensure that all occupants comply with its provisions;
- h) C.C.F. Operators shall ensure that their Local Contact is available to respond to matters involving the C.C.F. within one (1) hour from the time of contact by telephone or email by any Person at all times; and

- i) Any and all other conditions as identified by the Town.

8. Licence Fee

- 8.1. The fee for obtaining a Crisis Care Facility Licence or renewal of a Licence shall be as set out in the Town's General Fees and Charges By-law and is non-refundable.

9. Duplicate Licence

- 9.1. A duplicate Licence may be issued by the Manager to replace any Licence previously issued which has been lost, stolen or destroyed.

10. Posting Licences

- 10.1. Every C.C.F. Operator who has been issued a Licence shall post the Licence in a conspicuous place at the C.C.F., and every C.C.F. Operator so licensed shall, when requested by any person authorized by law, produce the Licence for inspection.

11. Partnerships and Corporations and Unincorporated Associations

- 11.1. A partnership, corporation, association or combination thereof shall be considered as a single applicant for any one C.C.F. at one Property.
- 11.2. On any application by a partnership, the Licence shall be issued in the name under which business is carried on by the applicant. The names and addresses of all partners shall be listed on the application form.
- 11.3. Any application by a corporation shall contain the names and addresses of the officers and directors of the corporation.
- 11.4. A change in composition of the members of a partnership or in the officers and/or of a corporation shall be reported to the Manager within fifteen days.

12. Change of Address

- 12.1. Each Applicant or, where a Licence has been issued, each Licensee shall advise the Manager of any change in any information provided pursuant to paragraph 6.1 of this By-law by providing to the Manager notice of such change within fifteen (15) days of the date of such change.

13. Licence Term and Transfer

- 13.1. Every Licence issued under this By-law shall expire within one (1) year of being issued, unless otherwise revoked or suspended prior to that date.
- 13.2. Each Licensee shall be required to renew the said Licence prior to the expiry of the original Licence issued under this By-law, and failing such renewal, the Licensee must discontinue the operation of the business upon the expiry of the Licence.
- 13.3. Every Licence is valid only in respect of the Person who was issued the Licence and no person may assign, modify, sell, or transfer, any Licence.
- 13.4. No Person may operate a Crisis Care Facility under a Licence issued to another Person.

13.5. A Person wishing to renew a Licence shall comply with the application requirements of this By-law.

14. No Vested Right

14.1. No person shall enjoy a vested right in the continuance of a Licence and upon issuance, renewal, cancellation or suspension, a Licence shall remain the property of the Town.

15. Licensees to Use Name on Licence

15.1. No Person licensed under this By-law shall advertise or carry on a C.C.F. under any name other than the one endorsed on the Licence.

16. Revocation and Suspension

16.1. The Manager may revoke, suspend, impose any conditions upon, or refuse to issue or renew any licence to any Person in accordance with this by-law.

16.2. The Manager may, in exercising the discretion mentioned in paragraph 16.1, consider any contravention of this By-law, or any other matter that relates to the general welfare, health or safety of the individuals at the C.C.F. or in the surrounding area.

16.3. Where an Applicant is dissatisfied with a Manager's decision in accordance with section 16.1, the person may request a review by the Hearing Officer of the Manager's decision in accordance with section 18.

17. Exemptions

17.1. The Director may exempt any person from all or any part of this By-law where the Director is satisfied that the granting of the exemption would maintain the general intent and purpose of the By-law.

17.2. The Director may impose such conditions as the Director determines are appropriate in relation to an exemption granted by the Director.

18. Hearing by Hearing Officer

18.1. The Applicant's right to request a review expires on the tenth (10th) day after notice of the Manager's decision is given to the Applicant at which time the Manager's decision is final and not subject to review.

18.2. The hearing of the review request shall not be scheduled until the Applicant has paid the fee from time to time prescribed by the Town's General Fees and Charges By-law.

18.3. 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.

18.4. The Hearing Officer shall not make a decision with respect to a review request under this section unless the Hearing Officer has given each of the Applicant and the Manager an opportunity to be heard.

18.5. On conducting a review, the Hearing Officer may affirm the decision of the Manager, or, alternatively, where the Hearing Officer is satisfied that doing so would uphold the general intent and purpose of this By-law, the Hearing Officer

may grant a Licence and may impose such conditions or exemptions as deemed appropriate, including conditions relating to the issuance, continuation, or renewal of the Licence.

- 18.6. The Hearing Officer may make any decision in respect of which the hearing was held or the opportunity for hearing afforded without holding a further hearing or affording further opportunity for a hearing in such matter.
- 18.7. The Statutory Powers Procedure Act applies to any hearing conducted pursuant to this paragraph.
- 18.8. A decision by the Hearing Officer to revoke, suspend or refuse a Licence shall be effective on the date the decision is made.
- 18.9. The decision of a Hearing Officer and any condition imposed by the Hearing Officer in relation to a Licence granted by the Hearing Officer are final and not subject to review, including review by any Court.
- 18.10. A review request conducted pursuant to this Section 18 does not stay the operation of the decision being reviewed.

19. Notices

- 19.1. 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 an Officer on the Person's Property.

20. Inspection and Orders

- 20.1. An Officer may at any reasonable time, enter upon and inspect the land of any Person to ensure that the provisions of this By-law are complied with, in accordance with section 436(1) of the Municipal Act, 2001.
- 20.2. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- c) require information from any person concerning a matter related to the inspection; and
 - d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 20.3. Any cost incurred by the Town in exercising its authority to inspect, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the Owner of the Property where the inspection takes place.
- 20.4. No person shall prevent, hinder, or obstruct, or attempt to prevent, hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.
- 20.5. Where an Officer has reason to believe that any provision of this By-law or any condition of a License has been contravened, the Officer may issue an Order requiring a C.C.F. Operator, Owner, Licensee or any other Person who contravened this By-law or who caused or permitted the contravention to discontinue the contravention or to do work or take action to correct the contravention.
- 20.6. The Manager may suspend a Licence until such time as an Order under subsection 20.5 is complied with.
- 20.7. An Order under subsection 20.5 shall include:
- a) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - b) the work required to be done or the conduct to be discontinued, as appropriate; and
 - c) the date or dates by which there must be compliance with the Order.
- 20.8. Every Person against whom an Order is made shall comply with the Order.
- 20.9. No Person who has notice of an Order shall assist in any way in the violation of the terms of an Order, regardless of whether said Person is named in the Order.
- 20.10. Where the Person or Persons to whom an Order is issued fails to perform the work or action required by the Order within the time stipulated in the Order, the Town may without further notice perform such work or action as it deems appropriate.
- 20.11. Where the Town undertakes work or any action or work pursuant to section 20.10, the Person or Persons shall be jointly and severally responsible for all costs of the Town incurred in the exercise of the powers thereunder, including administrative costs and interest. Such costs, as determined by the Town, shall constitute a charge under the Municipal Act, 2001, as amended, and may be added to the tax roll of property held by the Licensee, owner or other person in the manner provided for therein.

20.12. Where an Order is posted, no Person shall remove the Order without the written authorization of the Town.

21. Licence Production

21.1. Every Person licensed under this By-law shall, when requested by an Officer, or any person acting under their lawful authority, immediately produce their Licence, and other relevant documents required under this By-law.

22. Offence and Penalties

22.1. A Person is guilty of an offence if the person,

- a) contravenes any provision of this By-law; or
- b) fails to comply with an Order made pursuant to subsection 20.5.

22.2. Each director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence.

22.3. On conviction, each Person is liable to a fine of:

- a) not less than \$500 and not more than \$100,000; and
- b) for each day or part of a day that the offence continues, a fine of not less than \$500 and not more than \$100,000.

22.4. Where a Person is convicted of an offence of operating a C.C.F. without a Licence where required by this By-law, the Person is, in addition to any other fine or penalty, liable to a special fine not exceeding the gross revenues received by or on behalf of the Person during the period and in respect of the activity for which a licence was required. This special fine is designed to eliminate or reduce any economic advantage or gain from contravening this By-law.

22.5. Any Person who contravenes the provisions of this By-law, including every Person who fails to perform a duty imposed herein or who performs an act prohibited herein, and if the Person is a corporation, every director or officer of the said corporation, is liable to an administrative monetary penalty and fees, pursuant to the Town's Administrative Monetary Penalty System By-law, for offences that are designated, or is guilty of an offence, for any contravention, and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33. No person that receives an administrative penalty shall be charged with an offence under the Provincial Offences Act, R.S.O. 1990 for the same contravention and date of contravention.

23. Delegation

23.1. For the purpose of subsection 23.2(4) of the Municipal Act, 2001, it is the opinion of Council that the powers delegated to the Director or Manager pursuant to this By-law are of a minor nature.

24. General

- 24.1. In the event that any previous by-law is inconsistent with this By-law, this By-law shall prevail.
- 24.2. The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or by contract.
- 24.3. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- 24.4. No proceeding for damages or otherwise may be commenced against the Town, a member of Council or an officer, employee or agent of the Town or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

25. Effective Date

- 25.1. That this By-law shall come into effect immediately.

By-law passed this December 8, 2025

Mayor and CEO

Clerk