

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

**BY-LAW NO. 2016-77**

**A BY-LAW TO AMEND BY-LAW NO. 2007-38, BEING A BY-LAW TO  
LICENSE, REGULATE AND GOVERN BUSINESSES CARRIED ON WITHIN  
THE MUNICIPALITY**

WHEREAS Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS under Section 11 of the *Municipal Act, 2001*, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction set out therein;

AND WHEREAS Section 151 and Section 160 of the *Municipal Act, 2001*, provides that a local municipality may provide for a system of licenses with respect to a business and pass by-laws licensing businesses under any section of the *Municipal Act* or any other Act;

AND WHEREAS Council of The Corporation of the Town of Wasaga Beach passed By-Law No. 2007-38, to license, regulate and govern businesses carried on within the Municipality, deems it expedient to amend the said by-law regarding provisions for establishing a special fine system to address illegal tourist accommodation rental businesses.

NOW THEREFORE, the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

1. THAT By-Law No. 2007-38, is hereby amended, by inserting the following at "U OFFENCES AND PENALTIES" section:
  - 1.d) in the case of a conviction for operating a tourist establishment without a license and where the offence in relation to real property that is not zoned to permit the operation of a Tourist Establishment, except a Bed & Breakfast, pursuant to the Town's Comprehensive Zoning By-law, then in addition to fines imposed under subsections "a." through "c." above, the Municipality, having regard to the

circumstances of the offence, may request the court impose an additional special fine in accordance with the table below:

- i) For a 1<sup>st</sup> Conviction- Where the Special Fine is requested, in addition to the regular fine, shall be calculated by multiplying the average nightly rate estimated by the court and, based on evidence presented, by a multiplier number of THIRTY times (30x).
- ii) For a 2<sup>nd</sup> Conviction- Where the Special Fine is requested, in addition to the regular fine, shall be calculated by the same method above except that the multiplier shall be SIXTY times (60x).
- iii) For 3<sup>rd</sup> and Subsequent Convictions- Where the Special Fine is requested, in addition to the regular fine, shall be calculated by the method used in ii) above except that the multiplier shall be double (2x) the multiplier used to calculate the most recent Special Fine.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 19<sup>TH</sup> DAY OF APRIL, 2016.

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Brian Smith, Mayor

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Holly Bryce, Town Clerk