

Being a by-law to further amend the Lodging House Licensing By-law 94-2002, as amended, being a by-law to provide for the licensing, regulating and governing of lodging houses in the City of Oshawa.

Whereas at its meeting on March 31, 2025, the Council of the Corporation of the City of Oshawa adopted the recommendation contained in SF-25-11 to further amend Lodging House By-law 94-2002, as amended, to implement technical amendments to support the continuous improvement of municipal regulatory standards; and,

Whereas the Council of the Corporation of the City of Oshawa considers it desirable to further amend the Lodging House Licensing By-law 94-2002, as amended;

Therefore it is enacted as a by-law of The Corporation of the City of Oshawa as follows:

1. The Recital section is amended by deleting the first Recital clause in its entirety and replacing it with the following:

**“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,

**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;”

2. The Recital section is amended by replacing the word “licence” with the word “license”, in the last Recital clause.
3. Section 2 is amended by adding a new Subsection 2.13 and Article 2.13.1 immediately following Article 2.12.1, as follows:

“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.”
4. Section 3 is amended by deleting the Definition of “Apartment Building” in Subsection 3.1 in its entirety, and replacing it with the following:

““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.”

5. Section 3 is amended by adding a new Definition of “Applicant” immediately preceding the Definition of “Bed and Breakfast Establishment” in Subsection 3.1, as follows:

““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.”
6. Section 3 is amended by adding a new Definition of “Block Townhouse” immediately preceding the Definition of “Building” in Subsection 3.1, as follows:

““Block Townhouse” means a townhouse served by a private driveway or aisle, but does not include a Street Townhouse.”
7. Section 3 is amended by deleting the Definition of “Building” in Subsection 3.1 in its entirety, and replacing it with the following:

““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.”
8. Section 3 is amended by deleting the Definition of “By-law Enforcement Officer” in its entirety in Subsection 3.1.
9. Section 3 is amended by adding a new Definition of “Council” immediately following the Definition of “Correctional Group Home” in Subsection 3.1, as follows:

““Council” means the Council of the Corporation of the City of Oshawa.”
10. Section 3 is amended by deleting the Definition of “Cellar” in its entirety in Subsection 3.1.
11. Section 3 is amended by adding a new Definition of “Director” immediately preceding the Definition of “Dwelling” in Subsection 3.1, as follows:

““Director” means the City’s Director, Municipal Law Enforcement and Licensing Services, including their designates.”
12. Section 3 is amended by adding a new Definition of “Fire Chief” immediately following the Definition of “Farm Dwelling” in Subsection 3.1, as follows:

““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.”
13. Section 3 is amended by adding a new Definition of “Flat” immediately preceding the Definition of “Grade” in Subsection 3.1, as follows:

““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.”

14. Section 3 is amended by adding a new Definition of “Hearing Officer” immediately following the Definition of “Habitable Room” in Subsection 3.1, as follows:

““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.”
15. Section 3 is amended by deleting the following text in Subsection 3.1:

“The following terms are as defined in the City’s Zoning By-law 60-94, as from time to time amended:

  - (a) “Lodger”;
  - (b) “Lodging House”; and,
  - (c) “Lodging Unit”. (135-2021)”
16. Section 3 is amended by adding a new Definition of “Lodger” immediately following the Definition of “Hotel” in Subsection 3.1, as follows:

““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.”
17. Section 3 is amended by adding a new Definition of “Lodging House” immediately following the Definition of “Lodger” in Subsection 3.1, as follows:

““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.”
18. Section 3 is amended by adding a new Definition of “Lodging Unit” immediately following the Definition of “Lodging House” in Subsection 3.1, as follows:

““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.”
19. Section 3 is amended by deleting the Definition of “Lot” in Subsection 3.1 in its entirety, and replacing it with the following:

““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.”
20. Section 3 is amended by adding a new Definition “Municipal Act” immediately following the Definition of “Lot” in Subsection 3.1, as follows:

““Municipal Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended.”
21. Section 3 is amended by deleting the Definition of “Lot Line” in its entirety in Subsection 3.1.

22. Section 3 is amended by adding a new Definition of “Officer” immediately following the Definition of “Nursing Home” in Subsection 3.1, as follows:
- ““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.”
23. Section 3 is amended by deleting the Definition of “Provincial Offences Officer” in its entirety in Subsection 3.1.
24. Section 3 is amended by deleting the Definition of “Rear Yard” in its entirety in Subsection 3.1.
25. Section 3 of the Lodging House Licensing By-law is further amended by deleting the Definition of “Retirement Home” in its entirety in Subsection 3.1.
26. Section 3 is amended by adding a new Definition “Stacked Townhouse” immediately following the Definition of “Single Detached Dwelling” in Subsection 3.1, as follows:
- ““Stacked Townhouse” means a Building designed to contain three (3) or more Dwelling Units attached side by side, two (2) units high.”
27. Section 3 is amended by adding a new Definition “Street Townhouse” immediately preceding the Definition of “Structure” in Subsection 3.1, as follows:
- ““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.”
28. Section 4 is amended by replacing the word “Licenced” with the word “Licensed” in the Heading of Section 4.
29. Section 4 is amended by adding a new Subsection 4.3 immediately following Subsection 4.2, as follows:
- “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.”
30. Section 5 is amended by deleting subsection 5.1 in its entirety and replacing it with the following:
- “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.”
31. Section 5 is amended by deleting subsection 5.2 in its entirety and replacing it with the following:
- “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.
32. Section 5 is amended by deleting subsection 5.3 in its entirety and replacing it with the following:
- “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.”

33. Section 5 is amended by deleting subsection 5.4 in its entirety and replacing it with the following:

“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.”
34. Section 5 is further amended by adding a new subsection 5.5 immediately after subsection 5.4, as follows:
- “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.”
35. Section 5 is further amended by adding a new subsection 5.6 immediately after subsection 5.5, as follows:
- “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.”
36. Section 5 is further amended by adding a new subsection 5.7 immediately after subsection 5.6, as follows:
- “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.”
37. Section 5 is further amended by adding a new subsection 5.8 immediately after subsection 5.7, as follows:
- “5.8 No Person shall knowingly give false information when applying for a licence under this By-law. “
38. Section 6 is amended by adding the words, “60-94, as amended” immediately following the word, “By-law” and preceding the semi-colon in Article 6.1 a).
39. Section 6 is amended by adding the words, “1-2002, as amended” immediately following the word, “By-law” and preceding the semi-colon in Article 6.1 c).
40. Section 6 is amended by deleting Article 6.1 g) in its entirety.
41. Section 6 is amended by deleting Article 6.1 l) in its entirety.
42. Section 6 is amended by deleting Article 6.1 n) in its entirety, and replacing it with the following:
- “n) The fees have been paid as set out in the Fees and Charges By-law 109-2024, as amended.”
43. Section 6 is amended by adding a new subsection 6.3 immediately following Subsection 6.2, as follows:
- “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 Applicant’s right to request a review expires on the tenth (10th) day after notice of the Director’s decision is given to the Applicant at which time the Director’s decision is final and not subject to review.
- b) 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.
- c) 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.

- d) 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.
  - e) 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.
  - f) 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.”
44. Section 6 is amended by adding a new Subsection 6.4 immediately following Subsection 6.3, as follows:
- “6.4 Incomplete applications ineligible for consideration of a licence pursuant to Subsection 5.6 are not subject to review by the Hearing Officer.”
45. Section 7 is amended by deleting Section 7, inclusive of Subsections 7.1-7.8 in its entirety, and replacing it with the following:
- “Section 7: Hearings by Hearing Officer**
- 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.
  - 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.
  - 7.3 The Hearing Officer shall not make a decision under section 7.1 without first providing the Applicant the opportunity to be heard.
  - 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.
  - 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.
  - 7.6 The decision of the Hearing Officer is final and not subject to review including review by any Court.”
46. Section 8 is amended by adding the words, “as set out in the Fees and Charges By-law 109-2024, as amended” at the end of Subsection 8.1, before the period.
47. Section 8 is amended by deleting Subsection 8.2 in its entirety and replacing it with the following:
- “8.2 No licence shall be issued under this By-law until the licence fee has been paid in full to the Director.”
48. Section 9 is amended by replacing the words, “a Provincial Offences Officer or By-law Enforcement Officer” with “an Officer” in Subsection 9.5.
49. Section 9 is amended by replacing the words, “neither a Provincial Offences Officer nor a By-law Enforcement Officer shall” with “an Officer shall not” in Subsection 9.6.
50. Section 9 is amended by replacing the words, “a Provincial Offences Officer or By-law Enforcement Officer” with “an Officer” in Subsection 9.7.
51. Section 10 is amended by deleting Subsection 10.1 in its entirety and replacing it with the following:

- “10.1 All licences issued under this By-law shall expire on the thirty-first (31st) day of December of each year.”
52. Section 10 of the Lodging House By-law is further amended by replacing the number “5.1” with “5.4” in Article 10.2 a).
53. Section 10 is amended by deleting Subsection 10.4 in its entirety.
54. Section 10 is amended by deleting Subsection 10.5 in its entirety.
55. Section 10 is amended by deleting Subsection 10.6 in its entirety and replacing with the following:
- “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.”
56. Section 10 is amended by deleting Subsection 10.8 in its entirety.
57. Section 11 is amended by deleting Subsection 11.1 in its entirety and replacing it with the following:
- “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.”
58. Section 11 is amended by deleting Subsection 11.2 in its entirety and replacing it with the following:
- “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.”
59. Section 11 is amended by adding a new Subsection 11.3 immediately after Subsection 11.2, as follows:
- “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.”
60. Section 11 is amended by adding a new Subsection 11.4 immediately after Subsection 11.3, as follows:
- “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.”
61. Section 11 is amended by adding a new Subsection 11.5 immediately after Subsection 11.4, as follows:
- “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.”

62. Section 12 is amended by deleting the entirety of Section 12, including Subsections 12.1-12.16.
63. Section 13 is amended by removing the word, “/ Penalties” from the heading of Section 13.
64. The Lodging House Licensing By-law is further amended by deleting Schedule “A” to By-law 94-2002 in its entirety.
65. This by-law shall come into full force and effect on the date of passage.

By-law passed this Twenty-third day of June, 2025

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Mayor

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City Clerk