

Authority: Item 8, Planning Committee
Report 12-004 (PED10075(b))
CM: March 28, 2012

Bill No. 069

CITY OF HAMILTON

BY-LAW NO. 12-

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law provides for the deletion and replacement of Schedule 3 to license bed and breakfasts, hotels and motels;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 07-170 is amended by deleting Schedule 3 and replacing it with the new Schedule 3, entitled "Bed and Breakfasts, Hotels and Motels", attached as Appendix A to this By-law.
2. Subparagraph 6(1)(e)(ii) and section 30 of the General Provisions of By-law No. 07-170 are amended by deleting the title "Schedule 3 Bed and Breakfast Establishments" and replacing it with "Schedule 3 Bed and Breakfasts, Hotels and Motels".
3. Appendix "B" of the General Provisions of By-law No. 07-170 is amended by deleting "3 (Bed and Breakfast Establishments) and replacing it with "3 (Bed and Breakfasts, Hotels and Motels)".

4. This By-law comes into force on the day it is passed.

PASSED this 28th day of March, 2012.

R. Bratina
Mayor

R. Caterini
City Clerk

SCHEDULE 3

BED AND BREAKFASTS, HOTELS AND MOTELS

INTERPRETATION

1. In this Schedule:

“**bed and breakfast, hotel or motel**” means a premises where one or more bedrooms are offered to members of the public who may pay for the use of a bedroom on any basis for 7 days or less and includes an inn but does not include a lodging house;

“**complaint record**” means a record of each complaint received by a bed and breakfast, hotel or motel from a guest; and,

“**guest**” means a member of the public who pays for a bed and breakfast, hotel or motel bedroom;

GENERAL

2. The Issuer of Licences is authorized to prescribe the format and content of any forms or other documents required under this Schedule.

LICENCE REQUIRED

3. No person shall operate a bed and breakfast, hotel or motel without a licence.
4. When submitting an application for a licence, an applicant for a licence under this Schedule shall:
 - (a) submit a detailed premises plan, drawn to scale, of the bed and breakfast, hotel or motel that has been approved by the Issuer of Licences and the details of such premises plan shall include but are not limited to depicting the location, as applicable, of all buildings or other structures, parking areas and walkways on the property where the bed and breakfast, hotel or motel is located and all entrances/exits, beds, dining areas and entertainment areas in the bed and breakfast, hotel or motel;
 - (b) upon first applying for a licence and every third year thereafter upon applying for a licence renewal, submit to the Issuer of Licences a certificate from the

- Electrical Safety Authority that the bed and breakfast, hotel or motel complies with the Ontario Electrical Safety Code;
- (c) submit a certificate from the Fire Department that the bed and breakfast, hotel or motel complies with the applicable fire safety standards; and,
 - (d) submit a certificate of compliance under the Property Standards By-law.
5. No licence holder under this Schedule shall change or cause a change to be made to a premises plan without first obtaining the approval of the Issuer of Licences.

DUTIES OF OPERATOR

6. Every person operating a bed and breakfast, hotel or motel shall:
- (a) when four or more bedrooms are offered to members of the public, ensure that either the operator or an employee who is responsible for the operation of the bed and breakfast, hotel or motel is present and available at the bed and breakfast, hotel or motel at all times;
 - (b) post in a conspicuous place in the bed and breakfast, hotel or motel:
 - (i) a current licence for the bed and breakfast, hotel or motel;
 - (ii) a notice stating the name of the operator or the employee who is present and available at the bed and breakfast, hotel or motel as required under subsection 6(a) and the telephone number where such operator or employee can be contacted immediately;
 - (c) keep a register in a form satisfactory to the Issuer of Licences that includes:
 - (i) the name and usual place of residence of each guest;
 - (ii) which bedroom the guest has paid to use;
 - (iii) the date and time the guest checks in; and,
 - (iv) the date and time the guest checks out;
 - (d) ensure that the register under subsection 6(c) is:
 - (i) easily readable;
 - (ii) not altered or deleted once completed;
 - (iii) kept for a minimum of one year; and,
 - (iv) made available to the Issuer of Licences upon request;
 - (e) ensure that each guest bedroom, at the entrance to the guest bedroom from the outside of a building or from a common hallway or stairway inside a building, is provided with a door and a lock which is of a type that can be:

- (i) secured by a guest when they are inside or outside of the bedroom; and,
 - (ii) opened from the outside by the operator or an employee only when the guest is not inside the bedroom or when the guest is inside the bedroom but chooses not to secure it against entry from the operator or an employee;
- (f) keep a complaint record for each complaint in a form satisfactory to the Issuer of Licences that includes:
 - (i) the date and time the complaint is received;
 - (ii) the complainant's name and telephone number, if provided;
 - (iii) the complaint reviewer's name;
 - (iv) the details of the complaint;
 - (v) the action taken in response to the complaint; and,
 - (vi) the date and time the complainant is notified of the action taken;
- (g) ensure that a complaint record under subsection 6(f) is:
 - (i) easily readable;
 - (ii) not altered or deleted once completed;
 - (iii) kept for a minimum of one year; and,
 - (iv) made available to the Issuer of Licences upon request;
- (h) report any complaint concerning the safety of an individual immediately to the Issuer of Licences;
- (i) be responsible for keeping the bed and breakfast, hotel or motel clean and orderly and maintained in all respects suitable for the purpose for which it is used, and for keeping the bed and breakfast, hotel or motel adequately lighted and ventilated; and,
- (j) ensure the bed and breakfast, hotel or motel meets all requirements of the *Building Code Act, 1992* and its regulations, the *Fire Protection and Prevention Act, 1997* and its regulations, the *Health Protection and Promotion Act* and its regulations and any applicable by-law.