

RURAL MUNICIPALITY OF GIMLI
SHORT TERM RENTAL BY-LAW NO. 23-0011

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF GIMLI TO PROVIDE FOR THE LICENCING AND REGULATION OF SHORT-TERM RENTALS PURSUANT TO *THE MUNICIPAL ACT C.C.S.M. c. M225*.

WHEREAS Section 232(1)(a) of *The Municipal Act* (the “Act”) authorizes a council for a municipality to pass by-laws relating to the safety, health, protection and well-being of people and the safety and protection of property.

AND WHEREAS Sections 232(2)(a), 232(2)(e) of the Act authorize a council for a municipality, in a by-law passed under Section 232 of the Act, to regulate or prohibit, and provide for a system of licences, permits, or approvals, including the establishment of licencing fees.

AND WHEREAS the Council for the Rural Municipality of Gimli deems it advisable and in the public interest to licence and regulate short-term rentals (“STR”) to ensure the safe operation and occupation of STR, reduce the negative impact on neighbours and neighbourhoods, support the tourist industry and local businesses, ensure cost recovery through licencing fees, and achieve a high degree of voluntary compliance.

NOW THEREFORE, Council of the Rural Municipality of Gimli, in meeting duly assembled, enacts as a by-law the following:

TITLE

1. This By-law may be referred to as “The STR By-law”.

DEFINITIONS

2. Unless the context otherwise requires, wherever used in this By-law,

“**applicant**” means the owner or principal tenant of a dwelling unit who makes application for a STR licence.

“**dwelling unit**” means one or more rooms in a building designed for one or more persons in a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities and includes a:

- a. single family dwelling.
- b. seasonal cottage.
- c. secondary suite.
- d. condominium unit.
- e. apartment unit.
- f. mobile home.

“enforcement officer” means the designated officer appointed by the municipality to enforce the municipality’s by-laws.

“legal bedroom” means a room in a dwelling unit, for the primary purpose of sleeping, which meets all Manitoba Building Code requirements including, but not limited to, egress, number of windows, and ceiling height, and shall not include any other room or area in a dwelling unit.

“licensee” means the person in whose name a STR licence has been issued.

“municipality” means the Rural Municipality of Gimli.

“owner” means the person(s) in whose name a property, on which a dwelling unit is situated, is registered at the Winnipeg Land Titles Office pursuant to *The Real Property Act C.C.S.M. c. R30*.

“parcel” means the land on which a dwelling unit is situated.

“person” means an individual and includes a corporation, firm, partnership, club, association, or company.

“principal tenant” means the person(s) who occupies or is entitled to occupy a rental unit under a tenancy agreement entered into with the owner, for a term of no less than one year, pursuant to *The Residential Tenancies Act C.C.S.M. c. R119*.

“STR” means the use, offer, or advertising for lease, rent or barter, of all or part of a dwelling unit to provide temporary accommodation for a continuous period of less than 30 days.

“STR licence” means the valid and subsisting certificate issued to an applicant authorizing the use of a dwelling unit for a STR.

“STR officer” means the designated officer appointed by the municipality to administer this By-law.

“STR platform” means a website or other form of digital application which, for compensation, markets or brokers the booking, reservation, rental or listing of a dwelling unit for use as a STR, and collects fees, in whole or in part, on behalf of a licensee.

“zoning by-law” means the most current Zoning By-law of the municipality.

REQUIREMENT FOR STR LICENCE AND APPLICATION PROCESS

3. No person shall use a dwelling unit for a STR in the municipality, unless in possession of a STR licence in respect of that dwelling unit.
4. The requirement for a STR licence applies to the use of any dwelling unit for a STR, including those for which rental contracts or agreements were made prior to passing this By-law.
5. An application for a STR licence may be made by the owner or principal tenant of a dwelling unit in respect of that dwelling unit.

6. A separate application, and STR licence, is required for each dwelling unit a person wishes to use for a STR in the municipality.
7. The application for a STR licence, and renewal form, shall be in the form as attached in Schedule “A”, which may be amended by the municipality from time to time.
8. In applying for a STR licence, the applicant shall provide the following:
 - a. a completed and signed STR licence application and supporting documents.
 - b. a completed STR Self Inspection Checklist in the form as attached in Schedule “B”, which may be amended by the municipality from time to time, and compliance for each item.
 - c. proof of ownership of the dwelling unit or, if the applicant is the principal tenant of the dwelling unit, proof of tenancy and written approval from the owner(s) to use the dwelling unit for a STR.
 - d. if there is more than one owner or principal tenant of the dwelling unit, written approval from the other owner(s) or principal tenant(s) to use the dwelling unit for a STR.
 - e. if the dwelling unit is a condominium, written approval from the condominium board to use the condominium for a STR.
 - f. the name, phone number, and email address of a contact person, who resides in the municipality, who can respond and deal with any matter arising from the use of the dwelling unit for a STR, within 12 hours of being contacted by the municipality.
 - g. a site plan sketch, with approximate dimensions, of the parcel, dwelling unit, buildings, and parking locations.
 - h. a floor plan sketch of the dwelling unit showing all areas of intended rental use including, if the dwelling unit is a condominium or apartment, common areas in the whole building.
 - i. an egress route map of the dwelling unit for use in an emergency.
 - j. payment of the licence fee.
 - k. such other documentation as requested by the STR Officer.
9. Applicants shall inform the municipality, within 10 days of any change to the information provided in the application for a STR licence.
10. If the STR officer considers it necessary to determine qualification for a STR licence, the STR officer may:
 - a. carry out or have carried out an inspection of the dwelling unit, the cost of which shall be paid by the applicant, prior to the inspection.
 - b. request additional documentation or records from the applicant to demonstrate compliance with this By-law.

ANNUAL STR LICENCE FEE

11. The applicant shall pay, at the time of application and renewal a, non-prorated and non-refundable, licence fee of \$200.

ISSUANCE OF STR LICENCE

12. Upon being satisfied that the requirements of this By-law have been met, the STR officer may approve the application and issue a STR licence in the name of the applicant.
13. Upon determining that the requirements of this By-law have not been met, the STR officer shall refuse the application, with reasons, and a STR licence shall not be issued.
14. No person shall use a dwelling unit for a STR, for which an application has been refused.
15. A STR licence is non-transferrable and non-assignable and shall, on the sale or transfer of an interest in a dwelling unit, except by way of mortgage, terminate.

TERM OF STR LICENCE

16. Except as otherwise provided, the term of a STR licence shall be:
 - a. a period commencing on its issuance to the end of the calendar year; and
 - b. granted on an annual basis thereafter commencing on the 1st day of January and expiring on the 31st day of December.

STR LICENCE RENEWALS

17. The STR officer may provide all licensees with an invoice and renewal form on or before the expiry of an existing STR licence in each year, provided that the failure to do so shall not relieve a licensee from possessing a valid and subsisting STR licence.
18. A licensee who proposes to renew a STR licence shall obtain, complete, and submit the renewal form and licence fee to the STR officer no later than January 1st of each year. Failure to do so by this time, will require a new application to be made in accordance with this By-law.
19. Upon being satisfied that the licensee is not in violation with this By-law, the STR officer may renew the STR licence for the next year.

POSTING STR LICENCE

20. A licensee shall post the STR licence, in a prominent place inside the dwelling unit, for the term of the STR licence.

STR CONDITIONS AND REGULATIONS

21. The issuance of a STR licence is subject to the condition that the licensee complies, and the use of the dwelling unit for a STR is carried out in compliance, with the requirements of this By-law and any other by-law in force in the municipality, as amended, repealed, or replaced from time to time, including the Zoning By-law.

22. The issuance of a STR licence under this By-law does not alter or change the status or treatment of a dwelling unit under any other by-law in force in the municipality, as amended, repealed, or replaced from time to time, including the Zoning By-law.
23. A licensee shall comply, and the use of the dwelling unit for a STR shall be carried out in compliance, with the current edition of the Manitoba Building Code, all associated By-laws, and any other applicable enactment, code, regulation, or standard, applicable to the use of the dwelling unit for a STR.
24. A licensee shall install and maintain fire safety equipment to include smoke alarms, fire extinguishers, and carbon monoxide alarms on each floor of the dwelling unit.
25. A licensee shall post in a prominent place by all entrances and exits inside the dwelling unit, and in every legal bedroom, an egress route map.
26. A licensee shall advise their home insurance provider that the dwelling unit will be used for a STR and shall obtain adequate damage and liability coverage.
27. A licensee shall post in a prominent place by all entrances and exits inside the dwelling unit, that quiet hours are between the hours of 11:00pm and 7:00am the following day, seven days per week, consistent with most current Nuisance Noise By-law of the municipality.
28. A licensee shall ensure that the maximum number of overnight adult guests in the dwelling unit does not exceed two per legal bedroom.
29. A licensee shall ensure that all accommodations are restricted to the dwelling unit and that no additional accommodations are provided elsewhere on the property including in a motor vehicle, travel trailer, tent, or unlawful dwelling unit.
30. A licensee shall ensure that the maximum number of dogs in the dwelling unit, and on the parcel, does not exceed three (3) over the age of four (4) months and that all dogs are always leashed and in control, consistent with the most current Animal Control By-law of the municipality.
31. A licensee shall include the following information in any on-line or physical advertisements used to market the dwelling unit for use as a STR, including a STR platform:
 - a. a valid STR licence number.
 - b. the maximum permitted guest occupancy.
 - c. the maximum permitted number of dogs and leashing requirements.
32. A licensee shall maintain the dwelling unit and the parcel in a clean and sanitary condition with adequate measures for storage and disposal of garbage and waste, consistent with the most current Solid Waste By-law of the municipality.
33. Upon request of the STR officer or enforcement officer to ensure and demonstrate compliance with the requirements of this By-law, a licensee shall:
 - a. permit reasonable access to the dwelling unit and parcel to conduct an inspection.
 - b. provide additional documentation or records.

STR OFFICER AND ENFORCEMENT OFFICER POWERS

34. The STR officer shall have the power to refuse an application for a STR licence or renewal, and to issue, suspend, or cancel STR licences in accordance with, and subject to, the terms and conditions of this By-law.
35. The STR officer shall:
- a. administer and enforce this By-law.
 - b. keep records of STR applications and renewals including all supporting documents received, inspections made, licences issued, licences refused (with reasons), and all other documents connected with the STR officer's functions.
 - c. examine and process STR applications and renewals.
 - d. make inspections or require inspections of dwelling units when the STR officer considers it necessary or desirable and with reasonable advance notice.
36. The STR officer has the powers, duties, and functions of a designated officer under the Act including:
- a. the powers of inspection and enforcement.
 - b. the power to order a dwelling unit being used for a STR to stop operation if a STR licence has not been obtained, has expired, or has been refused, suspended or cancelled.
 - c. the power to suspend or cancel a STR licence.
37. The enforcement officer has the powers, duties, and functions of a designated officer under the Act including:
- a. the powers of inspection and enforcement.
 - b. the power to make or require inspections when the enforcement officer considers it necessary or desirable and with reasonable notice.
 - c. the power to enforce offences under *The Municipal By-law Enforcement Act C.C.S.M. c. M245* (the "MBEA")

SUSPENSION AND CANCELLATION OF STR LICENCES

38. The STR officer may suspend a STR licence for up to 30 days:
- a. for failure of the licensee to comply with a term or condition of the STR licence.
 - b. for failure of the licensee to comply with a by-law of the municipality where such non-compliance arises from the use of the dwelling unit for a STR.
 - c. if allowing the licensee to carry on the use of the dwelling unit for a STR would create a reasonable apprehension of significant harm to:
 - i. the health and safety of people.
 - ii. private or public property.
 - iii. the environment.
 - d. if the licensee provided false information at the time of the STR application or renewal.
 - e. if the information, upon which the decision to issue the STR licence was based, was incorrect and the STR licence would not have been issued had the correct information been known.

- f. if the licensee or the use of the dwelling unit for a STR no longer meets the requirements and standards required for the STR licence to be issued.
 - g. if the past conduct of the licensee creates a reasonable apprehension that the use of the dwelling unit for a STR will not be carried on in compliance with this By-law.
39. The STR officer may cancel a STR licence for the reasons as aforesaid but must provide the licensee with a reasonable opportunity to be heard.
40. The suspension or cancellation of a STR licence shall be made in writing, signed by the STR officer, and served on the licensee at the address included in the STR licence application or renewal, or last known address, or delivered to the licensee by registered mail.
41. The STR officer may post a notice of suspension or cancellation on the exterior of the dwelling unit, for which the STR licence was issued, and the notice shall not be removed until the STR licence is reinstated, or the suspended licensee ceases to own or be the principal tenant of the dwelling unit, or a new STR licence is issued for the dwelling unit.
42. No person shall operate a STR for which a STR licence has been suspended or cancelled.

REQUEST FOR REVIEW

43. A person whose STR licence application or renewal has been denied or whose STR licence has been suspended or cancelled, may request Council to review the decision of the STR officer, by giving the chief administrative officer written notice, within 14 days of the date of the decision, and stating the grounds upon which the request for review is based.
44. The chief administrative officer shall refer the matter to Council, on its next regular Council meeting agenda, and shall provide the person who requested the review with written notice:
- a. of the date, time, and place of the meeting to review the STR officer's decision; and
 - b. a statement that, if the person does not attend the meeting, the matter will be dealt with in their absence and there will be no further notice of the proceeding.
45. Council shall convene to review the decision of the STR officer and hear the person who requested the review, in person or by counsel.
46. If the person who requested the review does not attend the meeting, the review will be dealt with in their absence.
47. Upon completion of the review, Council may confirm, vary, or cancel the STR officer's decision and shall provide the person who requested the review with its written decision.
48. The decision of the Council on a review under this By-law shall be final.
49. All notices to the person who requested the review shall be to the address provided in the STR licence application or renewal, or last known address, or delivered to the person by registered mail.

ELIGIBILITY FOLLOWING SUSPENSION OR CANCELLATION

50. A person whose STR licence application or renewal has been denied or whose STR licence has been suspended or cancelled may not apply for a STR licence until the end of the year following the calendar year in which the denial, suspension or cancellation occurred.

PENALTIES

51. It is an offence under this By-law to provide false information or make a false declaration in an application for a STR licence or renewal.

52. A person who contravenes this By-law commits an offence and is liable to an administrative penalty under the MBEA.

53. Any costs to enforce this By-law are, in addition to an administrative penalty, an amount owing to the municipality by the person who caused the enforcement action to be taken, as well as the owner of the dwelling unit, and may be collected in the same manner as a tax is collected or enforced under the Act.

DONE AND PASSED in Council duly assembled at the Rural Municipality of Gimli Council Chamber in Gimli, in the Province of Manitoba this _____ day of _____, 2023.

RURAL MUNICIPALITY OF GIMLI

Kevin Chudd, Mayor

Kelly Cosgrove, CAO

Read a first time this 15th day of November, 2023.

Read a second time this _____ day of _____, 2023.

Read a third time this _____ day of _____, 2023.

SCHEDULE "A"

LICENCE APPLICATION - SHORT-TERM RENTAL

Select one of the following options:

NEW STR Licence

STR Licence Renewal

PART I: APPLICANT, OWNER, and LOCAL CONTACT INFORMATION

APPLICANT

Name:

Phone:

Email:

Address:

Are you the OWNER or PRINCIPAL TENANT of the Proposed STR?

List each OWNER(S) of the Proposed STR:

1. Name: Phone: Email:

Address:

2. Name: Phone: Email:

Address:

List each PRINCIPAL TENANT(S) (if applicable):

1. Name: Phone: Email:

Address:

2. Name: Phone: Email:

Address:

LOCAL CONTACT PERSON (must be able to respond within 12 hours):

Name: Phone: Email:

Address:

PART 2: STR PROPERTY DETAILS

Civic Address:

Unit No. Street No. Street Name Town Province Postal Code

Have you previously held a STR licence for this property? No _____ Yes _____

Have you previously applied and been refused a STR licence or had a licence suspended or cancelled for this property?

No _____ Yes _____ When: _____

PART 3: QUESTIONNAIRE

1. What type of dwelling is this? Single family <input type="checkbox"/> Seasonal Cottage <input type="checkbox"/> Mobile Home <input type="checkbox"/> Condominium <input type="checkbox"/> Apartment <input type="checkbox"/> Secondary Suite <input type="checkbox"/>		
2. How many legal bedrooms are in the dwelling unit?		
3. Is there a wood stove/fireplace?	YES	NO
4. Is the dwelling unit provided with: • Hardwired / interconnected smoke alarms? • Battery operated / interconnected smoke alarms? • Carbon Monoxide alarms?	YES YES YES	NO NO NO
5. Does each legal bedroom have a window opening of at least .35m ² (3.8ft ²) with no dimensions less than 380 mm (15.2")?	YES	NO
6. Does each legal bedroom have an interconnected smoke alarm? If required, does each legal bedroom have an interconnected carbon monoxide alarm?	YES YES	NO NO
7. Does the dwelling unit have compliant stairs, guardrails, and graspable handrails?	YES	NO
8. Is there an egress route from each legal bedroom to an outdoor exit?	YES	NO
9. Do you have valid fire extinguishers in the dwelling unit that are accessible to guests?	YES	NO
10. Include a floor plan sketch of the dwelling unit that includes all legal bedrooms, egress routes, smoke alarm and carbon monoxide alarm locations, and fire extinguisher locations.	YES	NO
11. To your knowledge, is the property in substantial compliance with the current versions of the Manitoba Building and Fire Codes?	YES	NO

PART 4: ACKNOWLEDGEMENT

I ACKNOWLEDGE AND UNDERSTAND THAT UPON RECEIVING A STR LICENCE:

1) I am responsible for complying with the STR By-law and any other by-law in force in the Municipality, as amended, repealed, or replaced from time to time including the Zoning By-law.

Initial: _____

2) I am responsible for complying with the current edition of the Manitoba Building Code, all associated Bylaws and any other applicable enactment, code, regulation, or standard applicable to the use of the dwelling unit as a STR.

Initial: _____

3) I am in no way relieved of full responsibility for complying with the Manitoba Building Code and Fire Code.

Initial: _____

- 4) I am required to advise my home insurance provider that the dwelling unit will be used for a STR and that I am required to obtain adequate damage and liability coverage.
Initial: _____
- 5) I am required to provide the Municipality with a contact person who resides in Gimli who can respond and deal with any matters regarding the use of the dwelling unit for a STR within 12hrs.
Initial: _____
- 6) I am required to post in a prominent place by all entrances and exits inside the dwelling unit, and in every legal bedroom, an egress route map.
Initial: _____
- 7) I am required to post in a prominent place by all entrances and exits inside the dwelling unit, that quiet hours are between the hours of 11:00pm and 7:00am the following day, seven days per week.
Initial: _____
- 8) I must ensure that the maximum number of overnight adult guests in the dwelling unit does not exceed two per legal bedroom.
Initial: _____
- 9) I must ensure that all accommodations are restricted to the dwelling unit and that no additional accommodations are provided elsewhere on the parcel, including in any motor vehicle, travel trailer, tent, or unlawful dwelling unit.
Initial: _____
- 10) I must ensure that the maximum number of dogs in the dwelling unit, and on the parcel, does not exceed three (3) over the age of four (4) months and that all dogs are always leashed and in control.
Initial: _____
- 11) I must include the following information in any on-line or physical advertisements used to market the dwelling unit for use as a STR, including a STR platform:
- i. a valid STR licence number.
 - ii. the maximum permitted guest occupancy.
- Initial: _____
- 12) I must post my STR licence in a conspicuous location inside the dwelling unit.
Initial: _____
- 13) I must maintain the dwelling unit and the parcel in a clean and sanitary condition with adequate measures for storage and disposal of garbage and waste.
Initial: _____
- 14) Upon request of the STR officer or enforcement officer to ensure and demonstrate compliance with the requirements of this By-law, I must:
- i. permit reasonable access to the dwelling unit and parcel to conduct an inspection.
 - ii. provide additional documentation or records.
- Initial: _____

I, THE UNDERSIGNED, HEREBY MAKE APPLICATION FOR A STR LICENCE IN ACCORDANCE WITH THE INFORMATION AS STATED AND DECLARE THAT THE STATEMENTS ARE TRUE AND CORRECT.

I UNDERTAKE, IF GRANTED AN STR LICENCE, TO COMPLY WITH EVERY OBLIGATION CONTAINED IN THE BY-LAWS NOW IN FORCE OR WHICH MAY HEREAFTER COME INTO FORCE IN THE MUNICIPALITY. FAILURE TO MEET THESE OBLIGATIONS MAY RESULT IN THE STR LICENCE BEING SUSPENDED OR CANCELLED.

I UNDERSTAND THAT ALL STR LICENCES EXPIRE ON DECEMBER 31ST OF EACH YEAR AND MUST BE RENEWED EACH YEAR PRIOR TO JANUARY 1ST.

I FURTHER UNDERSTAND THAT EVERY STR LICENCE IS SUBJECT TO REVIEW AT ANY TIME AND MAY BE SUSPENDED OR CANCELLED.

I ACKNOWLEDGE THAT THE PERSONAL INFORMATION COLLECTED IS IN ACCORDANCE WITH *THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT C.C.S.M. C. F175.*

Applicant Name:	Applicant Signature	Date
Witness' Name:	Witness' Signature	Date

PART 5: SUPPORTING DOCUMENTS - All documents must be provided in original application. Those identified with an asterix (**) are not required for renewals unless there have been changes since the original application.

- STR Licence Application.
- Questionnaire.
- Acknowledgement.
- STR Self-Inspection Checklist.
- Proof of ownership - certificate of title or tax certificate. **
- Proof of tenancy- rental agreement and written approval from owner (if applicable). **
- More than one owner or tenant – written approval from other owners/tenants (if applicable). **
- Written approval of condominium board (if applicable). **
- Contact person name, address, phone, and email. **
- Site plan sketch. **
- Floor plan sketch. **
- Egress route map. **
- Payment of fee.

DECISION

Date:	Licence Decision: _____ Refused (non-compliant) _____ Approved	STR Officer Signature:
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Comments and Conditions:

SCHEDULE "B"



Rural Municipality of Gimli

62 - 2nd Avenue, PO Box 1246,

Gimli MB ROC 1B0

Phone: 204-642-6650 Fax: 204-642-6660

Email: gimli@rmgimli.com Website: www.gimli.ca

Self-Inspection Checklist SHORT TERM RENTALS

Civic Address: _____

Name of Applicant: _____

Yes / No	Requirement	Explanation
1. Site Conditions		
Y / N	Access to building	Clear and level access to entry.
2. Building Exterior		
Y / N	Civic address	Posted, permanent, visible from street.
Y / N	Guards, stairs, and handrails	MB Building Code compliant. If an applicant is not familiar with codes or are unsure whether a part of their existing dwelling is compliant, they should enlist the services of a qualified individual to assist with the determination.
3. Building Interior		
Y / N	Smoke / CO alarms	Interconnected, on each floor, and in each legal bedroom.
Y / N	Guards, stairs, and handrails	MB Building Code compliant. If an applicant is not familiar with codes or are unsure whether a part of their existing dwelling is compliant, they should enlist the services of a qualified individual to assist with the determination.
Y / N	Fire extinguisher	Visible, ABC type, tested and valid info on plate.
Y / N	Egress bedroom windows	Unobstructed opening no less than 0.35m ² (no dimensions less than 380mm) openable from inside, without any tools or devices.
Y / N	Attached garage	Entrance to residence, auto closer and weather strip.

4. Solid Fuel/Wood Burning Appliance		
Y / N	Labeled	Listed, tested, valid info on plate, COF permit or WETT inspection.
Y / N	CO alarm	CO alarm and smoke alarm near appliance.
5. Floor Plan		
Y / N	Floor plan / Egress map	Shows location of exits, clear path of travel to exits, posted in every legal bedroom. Includes "In case of Emergency dial 911" includes civic address on egress map.
6. Permanent Cooking and Sanitary Facilities		
Y / N	Cooking facilities	Must have permanent cooking and sanitary facilities.
Y / N	Sanitary facilities	
7. Applicant Statement		
I acknowledge and agree that:		
1. The Rural Municipality of Gimli (the "Municipality") relies entirely on the above responses when considering the issuance of a STR Licence.		
2. The Municipality reserves the right to request access to the dwelling unit and parcel to conduct inspections to ensure that all requirements of this By-law are met.		
3. I hereby certify that the above responses are true and correct in all respects, that I am required to update the Municipality within 10 days of any changes to this information, and that I am solely responsible for the accuracy of the above responses.		
4. I acknowledge that false answers to any of the above questions are subject penalty under this By-law.		
Signature of Applicant _____ Date _____		