

CAPE BRETON REGIONAL MUNICIPALITY
LICENSING BY-LAW FOR SHARED DWELLINGS
L-100

Made pursuant to Sections 174(a) and 172(e)(i) of the Municipal Government Act of Nova Scotia

1.0 Title, Scope and Interpretation

Pursuant to Section 174(a) of the *Municipal Government Act*, BE IT ENACTED by the Council of the Cape Breton Regional Municipality (CBRM) as follows:

- (1) This By-law shall be known as the “Licensing By-law for Shared Dwellings”
- (2) Where a provision of this By-law conflicts with the provisions of another By-law in force within the Municipality, the more stringent provision prevails.

WHEREAS the Cape Breton Regional Municipality intends to regulate Shared Dwellings:

- To streamline communication and compliance for Shared Dwelling Owners/Operators within the CBRM in a cost-effective manner.
- To ensure the safe operation of all Shared Dwellings within the Municipality by enforcing established licensing requirements.
- To minimize disturbances to neighbouring residents through proper practice of property maintenance.

the Council of the Cape Breton Regional Municipality hereby adopts this By-law.

1.1 Authority

Under Section 174(a) of the *Municipal Government Act*, a Council may make By-laws respecting the regulation and licensing of persons owning or operating rooming houses or boarding houses and regulating the maintenance, administration, operation and occupancy of buildings used as rooming houses or boarding houses and the land on which they are located.

For the purposes of this By-law, lodging, boarding and rooming houses are synonymous with the defined term Shared Dwellings.

1.2 Interpretation

- (1) The objective of this By-law is to define and enforce licensing requirements for the operation of Shared Dwellings. These licensing requirements are intended to ensure the continued safety of such properties.
- (2) The provisions set forth within this By-law represent the baseline requirements for licensing, this By-law does not diminish the obligations stipulated for structures, constructions, repairs, and modifications as outlined in any other applicable By-law.

2.0 Definitions

“Building Official” means those qualified individuals appointed by Council of the Cape Breton Regional Municipality to administer and enforce the requirements of the *Nova Scotia Building Code Act* and Regulations.

"Dwelling" means a residential building, or portion thereof, occupied, or capable of being occupied as a residence by one or more persons, containing one or more Dwelling Units. A Dwelling may include a One-unit Dwelling, mobile home, Converted Dwelling, duplex, semi-detached, Apartment Dwelling, townhouse, a recreational vehicle with a service connection to the Nova Scotia Power Inc. power grid, or a Dwelling Unit(s) within a business or institutional building.

“Dwelling, Apartment” means a building containing three or more Dwelling Units and includes a converted Dwelling.

“Dwelling, Converted” means a building originally constructed as a one-unit Dwelling or two-unit Dwelling that has been lawfully converted into a two-unit Dwelling or Apartment Dwelling.

“Dwelling, One-Unit” means a detached Dwelling containing one Dwelling Unit and may include a secondary suite. This does not include a recreational vehicle.

“Dwelling, Semi-detached” means a building containing two dwelling units arranged side by side and separated vertically by a common wall extending from the foundation to the roof.

"Dwelling, Shared" means a use where Sleeping Rooms are rented for remuneration as separate rooms for residential accommodation and include shared bathroom and kitchen facilities made available to all tenants. This does not include an accommodation business such as a hotel, motel, or dormitory operated by a university rented to students who are enrolled full-time.

“Dwelling, Townhouse” means a building containing three or more dwelling units arranged side-by-side each with a separate exterior entrance and separated vertically by a common wall extending from the foundation to the roof located on a lot abutting a public street.

“Dwelling, Two-unit” means a building containing two dwelling Units and may include a duplex, semi-detached Dwelling, or a converted one-unit Dwelling.

"Dwelling Unit" means one or more habitable rooms intended for use by one or more individuals as an independent residential establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals. This

does not include an accommodation business but does include individual units located above the ground floor of a mixed-use building.

“Enforcement Officer” includes a CBRM Building Official, or any other person as appointed by the Director of Planning and Development.

"Habitable Room" means a room, other than a non-habitable room, designed for or which may be used for living, sleeping, eating or cooking.

“Licensing Authority” means employee or agent of the Municipality as designated by the Director of Planning and Development to receive applications for a licence under this By-law;

“Municipality” means the Cape Breton Regional Municipality

"Non-Habitable Room" means an area of a building other than a Habitable Room in a Dwelling or Dwelling Unit, and includes:

- (a) a bathroom or shower room;
- (b) a toilet room;
- (c) a laundry room;
- (d) a boiler room;
- (e) a furnace room;
- (f) a pantry;
- (g) a closet;
- (h) a corridor;
- (i) a foyer;
- (j) a stairway;
- (k) a lobby; or,
- (l) other space for services or maintenance of the Dwelling or access to and vertical travel between stories.

"Operator" the person managing or receiving the rent from the land or premises, whether on his account or as agent or trustee of any other person;

"Owner" includes:

- (a) a part Owner, joint Owner, tenant in the common or joint tenant of the whole or any part of the land or a building or a person who is entitled to possession as a tenant in fee simple, for life, or a term of not less than twenty years;
- (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building;
- (c) where the mortgagee of land is not in possession, the person entitled to the equity of redemption;

- (d) in the absence of proof to the contrary, the person assessed for the property;
- (e) a person who is assessed for the building as of the date of any alleged violation;
- (f) the person who is entitled to possession by reason of an agreement of sale between that person and the Owner of the property.

"Owner Occupied" means the Owner continuously occupies the property as one's primary residence and does not rent out more than 3 Habitable Rooms.

"Sleeping Room" means a single private room occupied by no more than two people which is intended for use as a residential premises within a Shared Dwelling, separated from other rooms by a door. This may include a kitchen or bathroom facility but not both.

3.0 General Provisions

- (1) It is an offence under this By-law for any person to operate a Shared Dwelling unless it is in compliance with all provisions of this By-law.
- (2) It is an offence to operate a shared dwelling without first obtaining a licence subject to the provisions of this By-law.
- (3) A licence under issued this By-law is not transferable.
 - (a) In the event that the Owner of a Shared Dwelling should change, the new Owner shall be required to submit a new licence application along with all applicable fees within 90 days of ownership.

3.1 Owner/Operator Obligations

- (1) The Owner of a building utilized for the purpose of a Shared Dwelling is obligated to conduct the building's operations in accordance with the provisions outlined within this By-law as well as the By-law M-100 Minimum Standards By-law.
- (2) It is an offence for any individual to engage in the operation, or rental, of a Shared Dwelling whether in whole or in part, unless a licence has been obtained.
- (3) It is an offence to operate a Shared Dwelling outside compliance with all applicable CBRM By-laws along with *Nova Scotia Building Code Regulations, National Building Code, and Fire Safety Regulations*.
- (4) A copy of the approved Shared Dwelling Licence must be posted conspicuously in a common room accessible to all occupants.

3.2 Shared Dwelling Licence Application

- (1) The Owner of a Shared Dwelling is obligated to obtain a licence annually in accordance with the provisions outlined within this By-law.

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- (2) Every Shared Dwelling Licence application must include the following information for the appointed Licensing Authority to consider the operation for licensing:
- (a) Owner contact information;
 - i. Name
 - ii. Address
 - iii. Phone number
 - iv. Email
 - (b) If not the same as Owner, Operator contact information;
 - i. Name
 - ii. Address
 - iii. Phone number
 - iv. Email
 - (c) Applicant Property Information;
 - i. Street Address of Property
 - ii. Labelled Floor Plan
 - 1. # of Sleeping Rooms;
 - 2. # of toilets;
 - 3. # of showers/bathtubs;
 - 4. # of parking spaces and location (if provided)
 - (d) Proof of liability insurance for the proposed use;
 - (e) A copy of the CBRM issued occupancy permit;
 - (f) Signed acknowledgement from the applicant that Municipal and all other appropriate authorities with jurisdiction may enter the property, including all buildings and Dwellings, in order to complete initial and annual inspections, as well as in the instance of determining compliance with this By-law;
 - (g) Shared Dwelling Licence fee payment, subject to CBRM Licence Fee Policy
- (3) It is an offence under this By-law to provide the Enforcement Officer with false information.

3.3 Shared Dwelling Licence Requirements

- (1) No Shared Dwelling Licence shall be issued or renewed unless;
- (a) the Shared Dwelling Licence application is complete;
 - (b) the applicant property conforms to the Land Use By-law;
 - (c) an Occupancy Permit has been obtained for the building;
 - (d) the property is in compliance with the Minimum Standards By-law;
 - (e) if applicable, any outstanding development and subdivision applications are approved.

4.0 Licence Renewal

- (1) A Shared Dwelling Licence is only valid for one year from the date of issuance and must be renewed a minimum of 30 days before the expiry date of the Shared Dwelling Licence.

- (2) Shared Dwelling Licences past their expiry date or within 30 days of expiry will not be renewed and are void.
- (3) Shared Dwelling Licence renewal applications must meet all provisions set out in Subsections 3.3 and 4.0 of this By-law.
- (4) At the time of renewal, the Owner must provide the most current information, floor plans do not need to be re-submitted if no changes have been made.

5.0 Inspections and Orders of the Enforcement Officer

- (1) Where an inspection is required pursuant to this By-law, it shall be conducted in accordance with CBRM's M-100 Minimum Standards By-law;
- (2) Under this By-law, inspections are mandatory prior to a Shared Dwelling Licence being issued or renewed.
- (3) Properties may be exempt from an inspection if a Building and Development Permit was approved to establish a Shared Dwelling within 6 months of the date to request a Shared Dwelling Licence.
- (4) It is an offence under this By-law to refuse access or to interfere with an Enforcement Officer performing their duties.

6.0 Enforcement

- (1) This By-law may be enforced by any Enforcement Officer appointed by the Director of Planning and Development.
- (2) The Enforcement Officer may order the Owner of a Shared Dwelling to remedy the condition of the premises when any of the provisions of this By-law has been violated.

6.1 Revocation or Suspension of a Shared Dwelling Licence

- (1) An Enforcement Officer may revoke or suspend an issued licence at any time where;
 - (a) the Owner/Operator attached to the licence has violated any provisions of this By-law;
 - (b) the officer has been provided false or incorrect information by the Owner/Operator;
 - (c) the Shared Dwelling Licence was issued in error.
- (2) Shared Dwelling Licence suspension may not exceed a period of 90 days, at which point the Shared Dwelling Licence will be revoked and void.

6.2 Penalties

- (1) Any item in this by-law which is determined by the inspector to be in non-compliance is deemed an offence.
- (2) For each offence, imposing a fine not less than \$250.00 (two hundred and fifty dollars) and not exceeding \$ 10,000.00 (ten thousand dollars) or imprisonment for not more than one year or both, including the imposition of a minimum fine.
- (3) Every day during which an offence pursuant to this by law continues is a separate offence
- (4) Any person who removes, defaces or makes illegible a notice or order posted pursuant to this By-law is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00) and in default of payment, to imprisonment for a period of not more than ninety (90) days.

7.0 Severability

If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on May 14th, 2024.

MAYOR

MUNICIPAL CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Licensing By-Law for Shared Dwellings of the Cape Breton Regional Municipality.

CHRISTA DICKS, MUNICIPAL CLERK

Publication Date: May 18, 2024
