

Being a by-law to licence, regulate and govern certain businesses in the City of Oshawa.

It is hereby enacted as a by-law of The Corporation of the City of Oshawa as follows:

1. Definitions

1.1 In this By-law:

“Acquisition” means the process by which one comes into possession of a good by any means including, without limitation, by means of purchase, receipt, trade, pawn, taking in exchange or holding. “Acquire” has a corresponding meaning.

“Additional Licence Endorsement” means, in reference to a Modular Licence, the licensed trade set out in Schedule “A” with the least restrictive application requirements, licensing approvals or operating standards, and shall vary in each Modular Licence combination of licensed trades.

“Adult Entertainment Parlour” means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, entertainment or service appealing to or designed to appeal to erotic or sexual appetites or inclinations.

“Amusement Device” means a machine, contrivance, structure or vehicle used to entertain people by moving them or by causing them to be moved.

“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.

“Attendant”, in reference to an Adult Entertainment Parlour, means any person other than an Owner or Operator who provides Sexually Appealing Services at an Adult Entertainment Parlour.

“Automobile Body Shop” has the meaning as defined in the City’s Zoning By-law 60-94, as amended.

“Automobile Rental Establishment” has the meaning as defined in the City’s Zoning By-law 60-94, as amended.

“Automobile Repair Garage” has the meaning as defined in the City’s Zoning By-law 60-94, as amended.

“Automobile Sales and Service Establishment” has the meaning as defined in the City’s Zoning By-law 60-94, as amended.

“Automobile Service Station” has the meaning as defined in the City’s Zoning By-law 60-94, as amended.

“Bed and Breakfast Establishment” means a dwelling unit in which not more than three bedrooms are made available for the temporary accommodation of travellers, to whom meals may be furnished, but does not include a hotel or lodging house.

“Bedroom” means a room or area within a Rental Unit used, designed, equipped or intended for sleeping.

“Body Rub” includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario and also does not include Sexual Contact.

“Body Rub Attendant” means any person who performs, offers or solicits a Body Rub.

“Body Rub Owner” means a Person who, alone or with others, has the right to possess or occupy a Body Rub Parlour or actually does possess or occupy a Body Rub Parlour and includes a lessee of a Body Rub Parlour or premises upon which a Body Rub Parlour is located. The terms "own", "ownership" and words of like import or intent shall have corresponding meanings.

“Body Rub Parlour” includes any premises or part thereof within the geographic limits of the City where a Body Rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

“Building” has the meaning as defined in the City’s Zoning By-law 60-94, as amended.

“Carnival” means an exhibition, display, event or amusement show which may include the operation of one or more Amusement Devices or midway style attractions.

“Car Wash” has the meaning as defined in the City’s Zoning By-law 60-94, as amended.

“Chief of Police” means the Chief of Police of the Durham Regional Police Service, including their designates.

“City” means The Corporation of the City of Oshawa.

“Council” means the Council of the City.

“Deal” means Acquisition or Disposition. “Dealing” has a corresponding meaning.

“Director” means the City’s Director, Municipal Law Enforcement and Licensing Services, including their designates.

“Disposition” means the loss of possession of a good by any means including, without limitation, by way of sale, lease, trade or exchange. “Dispose” has a corresponding meaning.

“Driving Instructor” means an individual who provides driving instruction for which a driving instructor licence is required by section 58(1) of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

“Driving School” means a Person that offers or provides an Ontario Ministry of Transportation-approved course in a prescribed class of driving instruction for which a driving school licence is required by section 58.1(2) of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

“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, including their designates.

“Food” has the meaning as defined in the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended.

“Food Shop” means any of the following classifications:

- a) Class A – Food Shop: means any place where Food is made for sale, offered for sale, stored or sold, but does not include:
 - i. a licensed Refreshment Vehicle;
 - ii. a Bed and Breakfast Establishment; or
 - iii. any place where exclusively Low-Risk Pre-Packaged Food is made for sale, offered for sale, stored or sold.
- b) Class B – Accessory to Food Shop: means any outdoor place owned or operated by a holder of a valid Class A - Food Shop Licence where Food intended for immediate human consumption is made for sale, offered for sale, stored or sold.

- c) Class C – Temporary Food Shop: means a Class A – Food Shop that operates on a temporary basis including, but not limited, to special events and street festivals.
- d) Class D – Home Occupation Food Shop: means any dwelling unit where Food is made for sale, offered for sale, stored or sold, but does not include:
 - i. a licensed Refreshment Vehicle;
 - ii. a Bed and Breakfast Establishment; or
 - iii. any place where exclusively Low-Risk Pre-Packaged Food is made for sale, offered for sale, stored or sold.

“Fuel Bar” has the meaning as defined in the City’s Zoning By-law 60-94, as amended.

“Gross Floor Area - Residential” means the area of a floor, measured to the inside of all outside walls enclosing any floor or part of a floor that complies with all applicable law for the shelter, accommodation or enclosure of persons, above which is a clear height of at least two (2) metres and excluding the area of any garage, porch, veranda, sun room or stairwell.

“Gross Vehicle Weight” means the combined weight of a Vehicle and its load including cargo, driver, passengers and equipment.

“Health Department” means the Regional Municipality of Durham’s Health Department.

“Hearing Officer” has the meaning as defined in the City’s Screening and Hearing Officer By-law 17-2024.

“Highway” has the meaning as defined in the City’s Traffic and Parking By-law 79-99, as amended.

“Holding Area” means that part of a Second Hand Shop in which Second Hand Goods are retained and not offered or displayed for purposes of a Disposition. In the case of Second Hand Shop operating on an event-by-event basis, Holding Area shall mean a secured location within the geographical boundaries of the City, as approved by the Director.

“Hot Dog Cart” means a Mobile Refreshment Vehicle that is operated or licensed to operate at one (1) location for a period no less than three (3) hours and not exceeding nine (9) hours on any day.

“Industrial Lands” means lands designated in the City’s Zoning By-law 60-94, as amended, as General Industrial, Hamlet Industrial, Prestige Industrial or Select Industrial Zones.

“Keeper” includes any one or more of the following Persons:

- a) the owner of a place;
- b) the occupier of a place;
- c) one who assists or acts on behalf of the owner or occupier of a place.
- d) one who has the care or management of a place; and,
- e) one to whom a licence is issued pursuant to this By-law;

In this definition of “Keeper”, “place” means any location from which a trade is carried on.

“Landlord” includes:

- a) each Person who is the owner of a Rental Unit;
- b) each Person who permits occupancy of a Rental Unit; and,
- c) the heirs, assigns, personal representatives and successors in title of a Person referred to in clauses (a) and (b).

"Large Public Hall" means a Public Hall for which the maximum permitted occupant load set out on the Public Hall licence exceeds 650 persons but does not include a Public Hall for which the City, a provincial government, a School Board or the Federal Government is a Keeper.

"Licensee" means a Person licensed under this By-law to carry on a trade set out in Schedule "A".

"Local Contact" means, in Schedule "P", a Person whose contact information is provided to the City who is authorized by the Landlord to take all necessary steps to resolve urgent issues related to a Rental Unit.

"Local Contact" means, in Schedule "Q", a Person whose contact information is provided to the City who is authorized by the S.T.R. Operator to take all necessary steps to resolve urgent issues related to a S.T.R.

"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.

"Low-Risk Food" has the meaning as defined in O. Reg. 493/17: Food Premises under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended.

"Low-Risk Pre-Packaged Food" means Food which is classified as Low-Risk Food and Pre-Packaged Food.

"Main Stage" means, in relation to an Adult Entertainment Parlour, the principal setting, scene or area upon which performances, services or an event or a series of events are presented, exclusive of patron seating areas.

"Manufacturer" means any Person who, by labour, art or skill transforms raw or prepared materials into some kind of finished product or article of trade.

"Mechanical Car Wash" means a Car Wash that provides facilities for cleaning a Motor Vehicle by moving the Motor Vehicle through a series of cleaning events.

"Medical Officer of Health" means the Medical Officer of Health of the Health Department, including their designates.

"Mobile Refreshment Vehicle" means a Refreshment Vehicle that is propelled by means other than an on-board motor or engine.

"Modular Licence" means a licence from the City authorizing a Person to carry on more than one (1) licensed trade set out in Schedule "A" at a single premise. A Modular Licence shall be comprised of a Primary Licence and one (1) or more Additional Licence Endorsements.

"Motor Vehicle" includes an automobile or any other device for the transportation of persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

"Motorized Mobile Refreshment Vehicle" means a Mobile Refreshment Vehicle that is self-propelled by means of an on-board motor or engine.

"Officer" has the meaning as defined in the City's Inspection By-law 64-2008.

"Operator" means, in reference to an Adult Entertainment Parlour, a Person who, alone or with others, operates, manages, supervises, runs or controls an Adult Entertainment Parlour, and shall be an individual and not a partnership or corporation. The terms "operate", "operation" and words of like import or intent have corresponding meanings.

“Operator” means, in reference to a Refreshment Vehicle, a person who, alone or with others, operates, manages, supervises, runs or controls the Refreshment Vehicle or prepares, offers, sells or otherwise makes available Food within or from the Refreshment Vehicle for consumption by persons.

“Owner” means, in reference to an Adult Entertainment Parlour, a Person who, alone or with others, has the right to possess or occupy an Adult Entertainment Parlour or actually does possess or occupy an Adult Entertainment Parlour and includes a lessee of an Adult Entertainment Parlour or of premises upon which an Adult Entertainment Parlour is located. The terms “own”, “ownership”, and words of like import or intent shall have corresponding meanings.

“Owner” means, in reference to a Refreshment Vehicle, a Person who, alone or with others, owns or has rights in a Refreshment Vehicle, including a transferee or successor of the Person’s rights in the Refreshment Vehicle.

“Park” has the meaning as defined in the City’s Zoning By-law 60-94, as amended.

“Pawnbroker” means a Person who carries on the business of taking by way of pawn or pledge any Second Hand Good for the repayment of money lent thereon.

“Pawner” means a person who delivers a Second Hand Good for pawn to a Pawnbroker.

“Payday Loan Establishment” means any premises or any part of them in respect of which a Licensee within the meaning of the Payday Loans Act, 2008, S.O. 2008, C.9, as amended, may operate a business pursuant to a licence issued under the Payday Loans Act, 2008, S.O. 2008, C.9, as amended.

“Peddler” means a person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the City afterwards.

“Person” means an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate or a natural person. “Persons” has a corresponding meaning.

“Pledge” means a Second Hand Good pawned with a Pawnbroker.

“Pre-Packaged Food” has the meaning as defined in O. Reg. 493/17: Food Premises under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended.

“Primary Licence” means, in reference to a Modular Licence, the licensed trade set out in Schedule “A” with the most restrictive application requirements, licensing approvals or operating standards, and shall vary in each Modular Licence combination of licensed trades.

“Provide” means, in reference to Services at Adult Entertainment Parlours, to furnish, perform, solicit or give such services in pursuance of a trade, calling, business or occupation. The terms “providing”, “provision” and words of like import or intent shall have corresponding meaning.

“Public Hall” means a building or a part of a building, including a portable building, together with patios and decks, if any, with a capacity of over 150 persons that is offered for use or used as a place of public assembly, but does not include a theatre or that part of a building used solely for religious purposes.

“Refreshment Vehicle” means a Vehicle within or from which Food is prepared or offered for sale for consumption by persons.

“Rent” means the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord’s agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Rental Unit.

“Rental Area” means, in Schedule “P”, each Lot specified within the area depicted in section 2.8 and abuts the roads detailed in section 2.9.

“Rental Area – Simcoe Street Corridor” means, in Schedule “P”, each Lot within the Rental Area that is depicted in section 2.10.

“Rental Property” includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situate.

“Rental Unit” means a Building or part of a Building:

- a) consisting of one or more rooms; and,
- b) containing toilet and cooking facilities.

“Renter” means, in relation to a S.T.R., a person who occupies all or part of the S.T.R. by way of a commercial arrangement.

“Restaurant” means any Food Shop where meals or meal portions are prepared for immediate consumption.

“Salvage Second Hand Dealer” means a person Dealing in Second Hand Goods exclusively for the purpose of wrecking, dismantling and recycling such goods prior to their Disposition.

“School” has the meaning as defined in the Education Act, R.S.O, 1990, c. E.2, as amended.

“Second Hand Dealer” means a person Dealing in Second Hand Goods.

“Second Hand Goods” means goods Acquired from a person who is not a Manufacturer or a Wholesaler.

“Second Hand/Pawn Shop” means the premises or the parts of the premises from or upon which a Second Hand Dealer or Pawnbroker is licensed to Deal in Second Hand Goods;

“Security Guard” means a person whose sole responsibility is to guard or patrol a Public Hall for the purpose of protection persons and property within and around the Public Hall.

“Self Car Wash” means a Vehicle Establishment that provides the necessary car wash equipment, but requires the Motor Vehicle to be washed manually, except that the requirement for this type of facility shall not apply to a bay contained within a service station where the floor area is not designed or solely used for car washing purposes.

“Services” means, in reference to an Adult Entertainment Parlour, activities, facilities, performances, exhibitions, viewing and encounters, but does not include the exhibition of film approved under the Film Content Information Act, 2020, S.O. 2020, c. 36, Sched. 12, as amended.

“Sexual Contact” means but shall not be limited to, kissing, fondling or sucking of breasts, genitalia or anus, digital penetration, fellatio, cunnilingus, masturbation, ejaculation or intercourse.

“Sexually Appealing Services”, means, in reference to an Adult Entertainment Parlour, any Services that are designed to appeal to erotic or sexual appetites or inclinations, including:

- a) Services of which a principal feature or characteristic is the nudity or partial nudity of any person; and
- b) Services in respect of which any one or more of the words “nude”, “naked”, “topless”, “bottomless”, “sexy”, “table dancing”, “lap dancing”, or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

“Short Term Rental” or “S.T.R.” means all or part of a dwelling unit that is used to provide temporary accommodation through a S.T.R. Company.

“Sidewalk” has the meaning as defined in the City’s Traffic and Parking By-law 79-99, as amended.

“Smoke, Tobacco and Vapour Product Shop” means any place where Tobacco Products or Vapour Products are offered for sale, stored or sold.

“Special Events Organizer” means any person organizing an event involving multiple vendors at one location exhibiting, offering for sale and/or distribution of goods, wares and/or merchandise to the general public on a temporary basis, and includes, but is not limited to, trade shows and craft fair.

“Specialty Vape Store” has the same meaning as defined in O. Reg. 268/18: General under the Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3, as amended.

“Stationary Mechanical Car Wash” means a Car Wash that provides facilities for cleaning a Motor Vehicle while the Motor Vehicle remains stationary.

“Stationary Refreshment Vehicle” means a Refreshment Vehicle operated from one (1) Lot but does not include a Hot Dog Cart.

“S.T.R. Company” means any Person who facilitates or brokers S.T.R. rental reservations by providing a website or application to connect potential Renters with S.T.R. Operators and conducts the financial transaction between the parties.

“S.T.R. Operator” means a registered owner of the property on which the S.T.R. is located and who makes the S.T.R. available through a S.T.R. Company.

“Tattoo Parlour” means any place involved in the marking of skin with indelible pigment or other such substance so as to produce a permanent design, mark or similar feature on the skin, but does not include place which exclusively provides permanent makeup, microblading or micropigmentation services.

“Tenant” means a person who pays Rent in return for the right to occupy a Rental Unit and includes the person’s heirs, assigns (including subtenants) and personal representatives.

“Tobacco Product” has the meaning as defined in Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3, as amended.

“Trade” means a business, calling or occupation and “carrying on a trade” shall include any act of:

- a) selling any goods or services; and,
- b) soliciting business or offering or exposing goods or services for sale or hire.

“Vapour Product” has the meaning as defined in Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3, as amended.

“Vehicle” means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

“Vehicle Establishment” means any premises that provides sales, rental, storage or services for Vehicles, including the following classifications:

- a) Class A – Fueling, Washing, Storage and Rental Services: means a premises which exclusively operates one (1) or multiple of the following:
 - i. Fuel Bar;
 - ii. Automobile Rental Establishment; or,
 - iii. Car Wash.
- b) Class B – Sales and Repair Services: means a premises which operates one (1) or multiple of the following:
 - i. Automobile Body Shop;
 - ii. Automobile Repair Garage;
 - iii. Automobile Sales and Service Establishment; or,
 - iv. Automobile Service Station;

and can be combined with the operations of one (1) or multiple of the following:

- i. Automobile Rental Establishment; or
- ii. Car Wash.

“Vehicle Waiting Line” means a series of Vehicle Waiting Spaces having a common centre line.

“Vehicle Waiting Space” means an area six (6) metres in length and three (3) metres in width providing an area where a Motor Vehicle may be stopped prior to entering a Mechanical Car Wash, a Stationary Mechanical Car Wash or a Self Car Wash, and shall be located on lands forming part of and contiguous with the Car Wash operation.

“Visitor’s Code” means the document provided by the City that provides guidance on City By-laws and other information.

“Wholesaler” means a Person in the business of selling goods to persons other than the end users or end consumers of such goods. “Wholesale” has a corresponding meaning.

“Zoning By-law 60-94” or “Zoning By-law” mean the City’s zoning by-law passed by Council pursuant to sections 34 or 38 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

2. Licensing Requirements

- 2.1 For every trade set out in Schedule “A” of this By-law, there shall be taken out by every Person carrying on or advertising such trade a licence from the City authorizing them to carry on or advertise their trade.
- 2.2 No Person shall, either directly or indirectly, carry on or advertise a trade, either for profit or not, for which a licence is required by this By-law without first having obtained a licence.
- 2.3 A Person who receives a licence for a trade set out in Schedule “A” to this By-law shall comply with the regulations set out in all other schedules to this By-law, as applicable to the trade being carried on.
- 2.4 An agent, trustee or representative of Persons carrying on or advertising a trade in the City for which a licence is required shall also be liable for the compliance of their principal, beneficiary or Persons they represent in connection with this By-law.
- 2.5 A licence shall be obtained for each location from which a trade is carried on or advertised, provided that a warehouse incidental to the conduct of a trade and used only for such purpose shall not be considered a separate location of the trade.
- 2.6 Licences issued pursuant to this By-law are conditional on compliance by the Licensee with all City By-laws, including, but not limited to, Zoning By-law 60-94, as amended and 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.

3. Procedure

- 3.1 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. The Director may specify any information to be given therein and any other necessary documents to be completed or submitted by the Applicant in conjunction with their application, including but not limited to, any requirements set out in the applicable schedule(s) to this By-law.
- 3.2 Without limitation, the Director may require an Applicant to provide each Applicant’s name, address, telephone number and e-mail address.
- 3.3 Every Applicant for a licensed trade set out in Schedule “A” shall complete the prescribed forms as required by the Director, including providing a statement attesting to the accuracy, truthfulness and completeness of the application.

3.4 Every Applicant for a licensed trade set out in Schedule "A" shall submit, when required by the Director, an original or certified copy of a current valid insurance policy or certificate in a type, coverage and liability amount and frequency satisfactory to the Director. The current valid insurance policy or certificate must include, but is not limited to, the following:

- a) a description of the coverage, policy, number, effective date, expiry date, limits of liability and details of the location covered; and
- b) the insured's waiver of the right to cancel or materially change the insurance policy except upon fifteen (15) days' notice to the insurance company, with a provision that the insurance company will undertake to provide fifteen (15) days' notice to the Director of such cancellation notice upon receipt of the notice from the insured.

Every Licensee who is issued a licence for a trade set out in Schedule "A" for which an insurance product is required by the Director pursuant to this section shall maintain at all times valid insurance as a condition of continuing to hold the licence.

3.5 Where an Applicant intends to operate more than one (1) licensed trade set out in Schedule "A" from the same premises, the Applicant may apply for a Modular Licence, and is subject to the application requirements, licensing approvals and operating standards set out in the applicable schedule(s) to this By-law for the Primary Licence and any subsequent Additional Licence Endorsement. Eligibility for a Modular Licence is subject to the approval of the Director.

3.6 The Director may require affidavits in support of an application.

3.7 The Director may cause such investigations to be undertaken respecting an application for a licence as the Director determines are relevant to the application. If the investigation discloses that:

- a) the Applicant's premise or place of trade is in violation or non-compliance with any City by-law, or the laws or regulations of the Province of Ontario or Government of Canada, or the Applicant's premise or place of trade is subject to a remedial order made under any of the City's By-laws, or the laws or regulations of the Province of Ontario or Government of Canada;
- b) the Applicant's premises or place of business or trade requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
- c) the Applicant's premises or place of business or trade requires corrective action pursuant to an order of the Fire Chief to ensure fire safety;
- d) the Applicant is incompetent in a manner that affects the safety, health or welfare of the public;
- e) the Applicant has been found in contravention of the Human Rights Code, R.S.O. 1990, c. H.19, as amended;
- f) the Applicant has previously had their licence or any certificate of qualifications under Ontario College of Trades and Apprenticeship Act, 2009, S.O. 2009, c. 22, as amended, suspended or revoked;

- g) the Applicant is indebted to the City in respect of fines, penalties, judgments or any another amounts owing, including awards of legal costs and disbursements, outstanding property taxes and late payment charges against all properties owned by the Applicant in any capacity (legally, beneficially or otherwise) and, where the Applicant is a corporation, against all properties owned by an officer or shareholder of the Applicant, where such amounts outstanding are, cumulatively, \$10,000 or more;
- h) notwithstanding the preceding section 3.7g), the Applicant is indebted to the City in respect of an administrative penalty imposed pursuant to section 18.2; or,
- i) the Applicant is in breach of this By-law or any other City by-law, or law or regulation of the Province of Ontario or Government of Canada,

the Director may deny the application. Otherwise, the Director may grant a licence and may also impose any conditions the Director sees fit as a condition of obtaining, continuing to hold or renewing the licence.

3.8 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 3.8 shall not be scheduled until the Applicant has paid the fee prescribed by the City's Fees and Charges By-law 109-2024.
- 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 section 3.8.
- d) The Hearing Officer shall not make a determination with respect to a review request under section 3.8 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.

3.9 Except as otherwise herein provided, licences shall be issued for a period not exceeding one (1) year.

3.10 Any licence issued pursuant to the City's predecessor By-law, By-law 120-2005, as amended, shall remain in effect for the duration of its licence term as set out in section 4(f) of that By-law 120-2005, as amended, and remain subject to the requirements and conditions imposed pursuant to the City's predecessor By-law, By-law 120-2005, as amended. Any renewal of the licence after the licence term has expired shall be subject to the requirements and conditions of this By-law.

3.11 No Applicant shall be licensed by the Director if they have been convicted of an offence under the Criminal Code, R.S.C., 1985, c. C-46, as amended, for which a pardon has not been granted, pursuant to any one or more of Parts V, VIII or IX.

3.12 In the event that an Applicant has been convicted of a criminal offence other than those listed in section 3.11, they may be issued a new licence at the discretion of the Director.

- 3.13 An Applicant who has been denied a licence by the Director pursuant to section 3.11 or 3.12 may request that their application be heard by the Hearing Officer to request that the Hearing Officer, in their discretion, issue the licence in question. Upon request, the Director shall refer the matter to the Hearing Officer. The Hearing Officer shall hold a hearing in the presence of the applicant, and the criteria in section 13 apply with necessary modifications.
- 3.14 Every Licensee shall at all times comply with this By-law and all applicable schedules to this By-law. The Director may request any information from the Licensee, conduct any necessary inspections or undertake any other actions they deem necessary to ensure compliance with this By-law and all applicable schedules to this By-law.

4. Licence Fee

- 4.1 The fee for obtaining a licence or renewal of a licence shall be as set out in the City's Fees and Charges By-law 109-2024.
- 4.2 In the case of a valid Class A – Food Shop Licensee applying for a Class C – Temporary Food Shop Licence, there shall be no fee associated with the issuance of a Class C – Temporary Food Shop Licence.
- 4.3 In the case of a Modular Licence, the fee shall be comprised of the following as set out in the City's Fees and Charges By-law 109-2024:
- a) the application fee and any annual licensing fee associated with the Primary Licence; and,
 - b) an additional application fee for each Additional Licence Endorsement part of the Modular Licence.

5. Replacement Licences

- 5.1 A replacement licence may be issued by the Director to replace any licence previously issued which has been lost, stolen or destroyed.

6. Posting Licences

- 6.1 Where a Licensee carries on business or trade from a fixed place of business, the Licensee shall post the licence obtained under this By-law in a conspicuous place in the interior of such fixed place of business and every Licensee so licensed shall, when requested by any person authorized by Council, produce the licence for inspection.
- 6.2 Where the Licensee travels from place to place to perform their trade, they shall carry their licence with them when engaged in the occupation for which the licence is issued and every Licensee so licensed shall, when so requested by any person authorized by Council, produce the licence for inspection.
- 6.3 Where a Licensee is issued a plate obtained under this By-law bearing an identifying number, the Licensee shall securely affix the plate to the rear of the Motor Vehicle for which it was issued in an exposed and conspicuous position.

7. Partnerships, Corporations and Unincorporated Associations

- 7.1 A partnership, corporation, association or combination thereof shall be considered as a single Applicant for any one (1) trade at one (1) place of business.
- 7.2 On any application by a partnership, the licence shall be issued in the name under which business is carried on by the Applicant. The names and addresses of all partners shall be listed on the application form.
- 7.3 Any application by a corporation shall contain the names and addresses of the officers and directors of the corporation.
- 7.4 A change in composition of the members of a partnership or in the officers and/or directors of a corporation shall be reported to the Director within fifteen (15) days.

8. Change of Information

8.1 Each Applicant or, where a licence has been issued, each Licensee shall advise the Director of any change in any information provided pursuant to section 3.1 of this By-law by providing to the Director notice of such change within fifteen (15) days of the date of such change. A change in information includes, but is not limited to, the Applicant's name, address, telephone number and e-mail address.

9. No Transfer

9.1 No Licensee shall transfer or assign a licence issued under this By-law.

10. No Vested Right

10.1 No Person shall enjoy a vested right in the continuance of a licence and upon issuance, renewal, cancellation or suspension, a licence shall remain the property of the City.

11. Licensees to Use Name on Licence

11.1 No Licensee licensed to carry on a trade under this By-law shall advertise or carry on such trade under any other name than the one endorsed on their licence.

12. Suspension, Revocation and Surrender

12.1 If the Director is satisfied that the continued carrying on of a trade 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.

12.2 The Director may, on such conditions as they consider appropriate, without a hearing, suspend a licence authorizing a business to operate on a Highway or other property of the City or one (1) of its local boards for a period not exceeding twenty-eight (28) days for the following reasons:

- a) the holding of a special event;
- b) the construction, maintenance or repair of the property;
- c) the installation, maintenance or repair of a public utility or service; or
- d) pedestrian, vehicular or public safety or public health.

12.3 If the Director is satisfied that a business or occupation 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 to revoke, suspend, impose any conditions upon or refuse to issue or renew the licence.

12.4 Notwithstanding section 12 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 to revoke, suspend, impose any conditions upon or refuse to issue or renew the licence.

12.5 A Licensee licensed to carry on a trade 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.

13. Hearing by Hearing Officer

13.1 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.

- 13.2 The Hearing Officer may, in exercising their discretion in section 13.1, consider any matter raised under sections 2.6, 3.6, 3.12 or any other matter that relates to the general welfare, health or safety of the public.
- 13.3 The Hearing Officer shall not make a decision under section 13.1 without first affording the Applicant the opportunity to be heard.
- 13.4 After such opportunity to be heard is afforded Applicant, the Hearing Officer may make any decision in respect of which the hearing was held or the opportunity for hearing afforded without holding a further hearing or affording further opportunity for a hearing in such matter.
- 13.5 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 section 14.1.
- 13.6 The decision of the Hearing Officer is final and not subject to review including review by any Court.

14. Notices

- 14.1 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;
 - 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; or
 - f) on the date a copy is placed on or affixed in any manner to a Person's Motor Vehicle.

15. Exemptions

- 15.1 The Director may exempt any Person from all or any part of this By-law where the Director is satisfied that the granting of the exemption would maintain the general intent and purpose of this By-law.
- 15.2 The Director may impose such conditions as the Director determines are appropriate in relation to an exemption granted by the Director.
- 15.3 Where a Person is denied an exemption by the Director or is dissatisfied with any condition imposed by the Director in relation to an exemption, the Person may request a review by the Hearing Officer of the Director's denial or condition in accordance with this section.
- a) The Person's right to request a review expires on the tenth (10th) day after notice of the Director's decision is given to the Person at which time the Director's decision is final and not subject to review.
 - b) The hearing of the review request under section 15.3a) shall not be scheduled until the Person has paid the fee from time to time prescribed by the City's Fees and Charges By-law 109-2024.
 - c) The Person shall be given seven (7) days' notice of the date, time and place of the hearing of the review request under section 15.3a).

- d) The Hearing Officer shall not make a determination with respect to a review request under section 15.3a) unless the Hearing Officer has given each the Person and the Director an opportunity to be heard.
- e) The Hearing Officer may affirm the Director's decision or, alternatively, may exempt the Person from all or any part of this By-law where the Hearing Officer is satisfied that affirming the Director's decision or granting an exemption would maintain the general intent and purpose of this By-law.
- f) The Hearing Officer may impose such conditions as the Hearing Officer determines are appropriate in relation to an exemption granted by the Hearing Officer.
- g) The decision of a Hearing Officer and any condition imposed by the Hearing Officer in relation to an exemption granted by the Hearing Officer is final and not subject to review.

16. Schedules Shall Apply

16.1 Every Person applying for or holding a licence under this By-law shall be subject to all relevant regulations contained in the schedules hereinafter set out and such schedules form part of this By-law.

17. Offences

17.1 Each Person who contravenes any provision of this By-law is guilty of an offence for each day or part of a day that the contravention occurs or continues.

17.2 Each director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence for each day or part of a day that the contravention occurs or continues.

17.3 On conviction, each Person is liable to a fine of

- a) a minimum fine of \$500 and a maximum fine not exceeding \$100,000;
- b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000; and
- c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, and the total of all fines for each included offence is not limited to \$100,000.

17.4 An offence under this By-law may constitute a continuing offence or a multiple offence as set out in section 429 of the Municipal Act, 2001, S.O. 2001, c.25, as amended.

17.5 Where a Person is convicted of an offence of operating without a licence required by this By-law, the Person is, in addition to any other fine or penalty, liable to a special fine not exceeding the gross revenues received by or on behalf of the Person during the period and in respect of the activity for which a licence was required. This special fine is designed to eliminate or reduce any economic advantage or gain from contravening this By-law.

18. Administrative Penalties

18.1 No Person shall fail to comply with any provision or standard of this By-law.

18.2 The City's Administrative Penalty System – Non-Parking By-law 63-2013, as amended, applies to each administrative penalty issued pursuant to this By-law.

- 18.3 Subject to section 18.4, each Licensee who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the City's Administrative Penalty System – Non-Parking By-law 63-2013, as amended, be liable to pay to the City an administrative penalty. If a Licensee receives a penalty notice in accordance with the City's Administrative Penalty System – Non-Parking By-law 63-2013, as amended, for a contravention of this By-law, and the Licensee has not received a penalty notice for the same contravention within one (1) calendar year or less, the Licensee shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$250. If a Licensee receives an additional penalty notice for the same contravention of this By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Licensee shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$350. If the Licensee receives a subsequent penalty notice for the same contravention of this By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Licensee shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$450. If the Licensee receives any subsequent penalty notices for the same contravention of this By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Licensee shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$450.
- 18.4 Each Applicant and/or Person who, without a licence under this By-law, undertakes an activity for which the Applicant and/or Person requires a licence under this By-law, shall, upon issuance of a penalty notice in accordance with the City's Administrative Penalty System – Non-Parking By-law 63-2013, as amended, be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$500. If a Applicant and/or Person receives an additional penalty notice for the same contravention of this By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Applicant and/or Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$750. If the Applicant and/or Person receives a subsequent penalty notice for the same contravention of this By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Applicant and/or Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$1,000. If the Applicant and/or Person receives any subsequent penalty notices for the same contravention of this By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Applicant and/or Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$1,000.

19. Delegation

- 19.1 For the purpose of subsection 23.2(4) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Hearing Officer and to the Director pursuant to this By-law are of a minor nature.

20. General

- 20.1 In the event that any previous By-law is inconsistent with this By-law, subject to section 3.10, this By-law shall prevail.
- 20.2 The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or by contract.

21. Severability

- 21.1 If one or more provisions of this By-law, as may be amended from time to time, are found to be invalid, illegal, inoperative, unenforceable or void by any court or tribunal of competent jurisdiction, in whole or in part, or in the particular circumstances, the remaining terms and provisions of this By-law shall be deemed to be severable from the part so found and shall remain in full force and effect.

22. Short Title

22.1 The short title of this By-law is the "Business Licensing By-law".

23. Repeal and Replace

23.1 By-law 120-2005, as amended, is hereby repealed and replaced effective November 4, 2024.

By-law passed this twenty-eighth day of October, 2024

Mayor

City Clerk

Schedule "A" to By-law 122-2024

Licensed Trades

<p>Adult Entertainment Parlour</p> <ul style="list-style-type: none"> • Class "A" Owner • Class "B" Operator • Class "C" Attendant 	See Schedule "B"
<p>Body Rub Parlour</p> <ul style="list-style-type: none"> • Class "A" Owner/Operator • Class "B" Owner • Class "C" Operator • Class "D" Attendant 	See Schedule "C"
<p>Carnival</p>	See Schedule "D"
<p>Driving Education</p> <ul style="list-style-type: none"> • Class "A" Driving School • Class "B" Driving Instructor 	See Schedule "E"
<p>Food Shop</p> <ul style="list-style-type: none"> • Class "A" Food Shop • Class "B" Accessory to Food Shop • Class "C" Temporary Food Shop • Class "D" Home Occupation Food Shop 	See Schedule "F"
<p>Payday Loan Establishment</p>	See Schedule "G"
<p>Peddler</p>	See Schedule "H"
<p>Public Hall</p>	See Schedule "I"
<p>Refreshment Vehicle</p> <ul style="list-style-type: none"> • Class "A" Stationary Refreshment Vehicle • Class "B" Mobile Refreshment Vehicle • Class "C" Temporary Mobile Refreshment Vehicle 	See Schedule "J"
<p>Second Hand Dealer and Pawnbroker</p> <ul style="list-style-type: none"> • Class "A" Second Hand/Pawn Shop • Class "B" Salvage Second Hand Dealer 	See Schedule "K"
<p>Smoke, Tobacco and Vapour Product Shop</p>	See Schedule "L"
<p>Special Event Organizer</p>	See Schedule "M"
<p>Tattoo Parlour</p>	See Schedule "N"
<p>Vehicle Establishment</p> <ul style="list-style-type: none"> • Class "A" Fueling, Washing, Storage and Rental Services • Class "B" Sales and Repair Services 	See Schedule "O"
<p>Rental Unit in a Rental Area</p>	See Schedule "P"
<p>Short Term Rental Operator</p>	See Schedule "Q"

Schedule “B” to By-law 122-2024

Adult Entertainment Parlour

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for an Adult Entertainment Parlour licence or for the renewal thereof is subject to the application requirements identified in this Schedule “B”.
- 1.2 Every Applicant for an Adult Entertainment Parlour Owner, Operator or Attendant licence or for the renewal thereof, shall attend in person and not by agent at the Licensing Services Office of the City and shall complete the prescribed forms and furnish personal identification and such other information as required by the Director. In the case of an Adult Entertainment Parlour owned by a partnership, the attendance required by this section shall be by one (1) of the partners and in the case of a corporate owner, the attendance shall be by an officer or director of the corporation.
- 1.3 Every Applicant for an Adult Entertainment Parlour Operator or Attendant licence or for the renewal thereof, shall attend at a place designated by the Director for the purpose of having their photograph taken. Three (3) photographs of the Applicant’s face will be forwarded to the City, one (1) of which shall be attached to and form part of the licence and the others shall be filed with the City. Upon application for renewal, the Applicant shall have new photographs taken, if required to do so by the Director.
- 1.4 Every Applicant for an Adult Entertainment Parlour Owner, Operator or Attendant licence or for the renewal thereof, shall provide to the City proof of their age. No licence shall be issued unless the Director is satisfied that every Owner, Operator or Attendant is of the full age of eighteen (18) years.
- 1.5 The following types of personal identification and proof of age are prescribed for the purposes of this Schedule “B”:
 - a) a driver’s licence issued by the Province of Ontario which contains a photograph of the person to whom the licence is issued;
 - b) an Ontario Photo Card;
 - c) a Canadian passport;
 - d) a Canadian citizenship card which contains a photograph of the person to whom the card is issued; or,
 - e) a Canadian Armed Forces identification card.
- 1.6 Licences which have been defaced, lost or destroyed, or which must be re-issued due to change of information (such as address), may be replaced by the Director.
- 1.7 Where an Owner intends to be or is also the Operator of an Adult Entertainment Parlour, they shall require both an Owner and Operator licence.
- 1.8 Every Applicant for an Owner’s licence shall, at the time of making application or at the time of renewal, file with the City a floor plan in a form acceptable to the Director, which clearly shows the building or part of the building to be used as an Adult Entertainment Parlour, including identification of the Main Stage. Each Adult Entertainment Parlour shall have no more than one (1) designated Main Stage. The Owner’s licence shall only apply to that part of the building depicted on the floor plan, which shall be annexed to and shall form part of the licence.
- 1.9 Every Applicant for an Owner’s licence shall, at the time of making application or at the time of renewal, file with the City a security plan in the form acceptable to the Director.
- 1.10 Every Applicant for an Operator’s licence shall, at the time of making application or at the time of renewal, and prior to any Services being offered, file with the City a list of all Services provided for a fee at the Adult Entertainment Parlour. This list shall include all of the respective fees charged for Services and include admission fees, any payment charged in respect of entry to the Adult Entertainment Parlour and any other

amount charged. If any charge is based on a computation of time, the hourly rate shall be shown on the lists.

- 1.11 Further to sections 3.11 and 3.12 of this By-law, no licence shall be issued and no licence shall be renewed unless an original Criminal Record and Judicial Matters Check has been provided, dated not prior to thirty (30) days before the date of the licence or renewal application for the Applicant, Keeper, Owner and any proposed Operators or Attendants of the Adult Entertainment Parlour.
- 1.12 There shall be no more than two (2) Adult Entertainment Parlour Owner licences issued by the City at any one time.
- 1.13 An Adult Entertainment Parlour licence shall not be issued for any Adult Entertainment Parlour which is located or proposed to be located within one hundred (100) metres from any existing licensed Adult Entertainment Parlour.
- 1.14 Adult Entertainment Parlour Owner, Operator or Attendant licences are not eligible to be components of a Modular Licence issued by the City.
- 1.15 The Director may refuse to accept an Applicant's application for an Adult Entertainment Parlour Owner, Operator or Attendant licence if the Applicant fails to submit the required forms and information in accordance with sections 1.2 through 1.13 of this Schedule "B".

2. Conditions and Regulations

- 2.1 Notwithstanding section 8.1 of this By-law, every Attendant must report a change of mailing address or telephone number to the City within two (2) business days of the change.
- 2.2 No Owner, Operator or Attendant shall cause, permit or provide Services at or in respect of an Adult Entertainment Parlour other than those Services described on the list filed with the City in accordance with section 1.10 of this Schedule "B", or amendments filed thereto.
- 2.3 No Owner, Operator or Attendant shall, with respect to any Services provided at an Adult Entertainment Parlour, charge, demand, ask for, require or accept or permit to be charged, demanded, asked for, required or accepted, any amount of money other than that set out in the list filed with the City in accordance with section 1.10 of this Schedule "B", or amendments thereto.
- 2.4 Every Owner or Operator shall post a copy of the list of Services and fees referred to in section 1.10 of this Schedule "B", in a conspicuous place in the interior of the Adult Entertainment Parlour, plainly visible and legible to any person upon entering the said premises.
- 2.5 Every Owner or Operator shall keep proper records and books of account of all business transacted in, by or in respect of the Adult Entertainment Parlour operated by them, which books shall:
 - a) give the amount of gross receipts for all Services provided, including all receipts for admission fees and other charges and receipts in respect of entry to or Services provided in the Adult Entertainment Parlour;
 - b) show the name and licence number of every Attendant providing Services, including the date of commencement and the date of termination of contract or employment, as well as every date any Attendant provides Services in the Adult Entertainment Parlour;
 - c) indicate the amount of salary or commission paid to each Attendant; and
 - d) list all amounts paid by the Owner to the Operator, if any, or by the Operator to the Owner, in respect of the Adult Entertainment Parlour.
- 2.6 Every Attendant shall give to the patron an itemized bill for Services, listing the Service to be provided and the price to be paid for each Service, before any Services are provided to the patron.

- 2.7 The Attendant shall provide a copy of each bill prepared under section 2.6 of this Schedule "B" to the Operator prior to leaving the premises.
- 2.8 No Operator shall cause or permit an Attendant to provide Services contrary to sections 2.6 or 2.7 of this Schedule "B".
- 2.9 Every Operator shall retain and keep a copy of each bill, receipt, record or book referred to in sections 2.5 and 2.6 of this Schedule "B" for at least one (1) year after the Services referred to therein were performed or after the record was made. The City or any person authorized to enforce this By-law shall at all times be given access to such records, upon request.
- 2.10 Every Operator shall deliver to the patron a written receipt for the fee, charge or payment paid for admission to the Adult Entertainment Parlour, if any.
- 2.11 No Owner shall cause or permit any Operator or Attendant to perform Services or to conduct business contrary to sections 2.5 through 2.10 of this Schedule "B".
- 2.12 No Owner of an Adult Entertainment Parlour shall cause or permit any person other than a licensed Operator to operate such Adult Entertainment Parlour.
- 2.13 Every Operator licensed in respect of an Adult Entertainment Parlour shall be in attendance in the licensed premises at all times that the Adult Entertainment Parlour is open to the public. No Owner or Operator shall do any of the following, unless this section is complied with:
 - a) permit the Adult Entertainment Parlour to remain open for business;
 - b) permit any Attendant to enter or remain on the premises; or
 - c) permit any Attendant to provide any Service at the Adult Entertainment Parlour.
- 2.14 No Attendant shall provide Services or to enter or remain in the licensed Adult Entertainment Parlour unless a licensed Operator is also in attendance at the premises.
- 2.15 No Owner or Operator of an Adult Entertainment Parlour shall cause or permit any person other than a licensed Attendant to perform Services in the Adult Entertainment Parlour.
- 2.16 No Owner or Operator of an Adult Entertainment Parlour shall cause or permit an Attendant who is under the full age of eighteen (18) years to perform the Services of an Attendant in an Adult Entertainment Parlour.
- 2.17 No Owner or Operator shall cause or permit the door to any room or cubicle in an Adult Entertainment Parlour, to be equipped or constructed with a locking device of any kind, except for a toilet cubicle.
- 2.18 Subject to section 2.19 of this Schedule "B", no Owner, Operator or Attendant shall use or permit to be used any camera or other photographic or recording device in, upon or at an Adult Entertainment Parlour by any person, other than a person empowered to enforce this By-law or any other legislation or regulation governing the premises.
- 2.19 Section 2.18 of this Schedule "B" does not prohibit an Owner or Operator from placing permanently mounted security cameras in, upon or at an Adult Entertainment Parlour. Every Adult Entertainment Parlour which has permanently mounted security cameras in place shall post signs in clearly visible places inside the premises indicating that such cameras are in use. If installed, the Owner and Operator are required to keep security footage, unaltered from their original recorded form and in good viewing order, for a period of not less than three (3) months from the date of recording and shall make them available for inspection upon request by a person authorized to enforce the provisions of this By-law, or any other law of the Province of Ontario or Government of Canada. No Owner or Operator shall cause or permit security cameras to be used contrary to this section.

- 2.20 All Services provided by an Attendant shall be clearly visible from the Main Stage of the Adult Entertainment Parlour, without obscuration or obstruction by any thing, including, but not limited to, walls, curtains, glass, enclosures, structures, fog or inadequate lighting. No Owner, Operator or Attendant of an Adult Entertainment Parlour shall cause, permit or provide Services contrary to this section.
- 2.21 No Owner or Operator shall permit any person under the full age of eighteen (18) years to enter or remain in the Adult Entertainment Parlour.
- 2.22 No Owner or Operator shall permit drunkenness or riotous, quarrelsome, violent or disorderly conduct to occur on the premises or in the adjacent washrooms, liquor and food preparation areas and storage areas under the control of the Owner or Operator.
- 2.23 No Owner, Operator or Attendant shall take, consume or have in their possession for personal consumption/use alcohol or a drug in an Adult Entertainment Parlour, nor shall the use of alcohol or a drug by them be apparent while they are in an Adult Entertainment Parlour. For the purposes of this section the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.
- 2.24 No Owner, Operator or Attendant shall cause, permit or provide any Services in the Adult Entertainment Parlour at any time between the hours of 2:00 a.m. in the morning of any day and 11:00 a.m. in the morning of the same day.
- 2.25 During the hours of business of an Adult Entertainment Parlour, or at any time at which an Attendant is in attendance at an Adult Entertainment Parlour, the Owner or Operator shall ensure that the door or doors or other principal means of access into the Adult Entertainment Parlour by the public are kept unlocked so that anyone may enter or exit the Adult Entertainment Parlour without hindrance or delay.
- 2.26 No person shall own or operate an Adult Entertainment Parlour in the geographic area of the City, except wholly within one of the following properties:

Street Number	Street Name	Municipal Roll Number
720	Wilson Road South	1813050018111000000
726/730	Wilson Road South	1813050018111010000
727	Wilson Road South	1813050020005010000
731	Wilson Road South	1813050020006000000
1019	Nelson Street	1813050019025000000
1031	Nelson Street	1813050019026000000
1041	Nelson Street	1813050019027000000
1051	Nelson Street	1813050019028000000
484	Waterloo Court	1813050019032010000
486/490	Waterloo Court	1813050019032030000
485	Waterloo Court	1813050019034000000
Unassigned	Waterloo Court	1813050019034010000
Unassigned	Raleigh Avenue/Farewell Street	1813050020017000000
Unassigned	Raleigh Avenue	1813050020005000000
750	Farewell Street	1813050020016000000
751	Farewell Street	1813050021002000000
753	Farewell Street	1813050021003000000
799	Farewell Street	1813050021003010000
819	Farewell Street	1813050021005000000
800	Farewell Street	1813050020018000000
842	Farewell Street	1813050020020000000
846	Farewell Street	1813050020020050000
880	Farewell Street	1813050020021000000

Street Number	Street Name	Municipal Roll Number
Unassigned	Farewell Street	1813050020021050000
920	Farewell Street	1813050020021010000
984	Farewell Street	1813050020023000000
996	Farewell Street	1813050020023010000
1036	Farewell Street	1813050020024000000
1042	Farewell Street	1813050020025000000
1050	Farewell Street	1813050020026000000
Unassigned	Farewell Street	1813050020025900000
1123	Farewell Street	1813050021014000000
Unassigned	Farewell Street	1813050021013000000
983	Farewell Street	1813050021012000000
973	Farewell Street	1813050021011000000
953	Farewell Street	1813050021010000000
845/875	Wentworth Street East	1813050021006000000
716	Colonel Sam Drive	1813050021027010000
Unassigned	Wentworth Street East	1813050020073750000
600	Wentworth Street East	1813050020074000000
627/629	Wentworth Street East	1813050020074010000
400	Marwood Drive	1813050020022000000
380	Marwood Drive	1813050020022060000
370	Marwood Drive	1813050020022070000
360	Marwood Drive	1813050020022080000
350	Marwood Drive	1813050020022090000
340	Marwood Drive	1813050020076060000
330	Marwood Drive	1813050020076050000
320	Marwood Drive	1813050020076040000
321	Marwood Drive	1813050020075010000
333	Marwood Drive	1813050020075020000
341/345	Marwood Drive	1813050020075030000
351	Marwood Drive	1813050020022010000
361	Marwood Drive	1813050020022030000
371	Marwood Drive	1813050020022040000
391	Marwood Drive	1813050020022050000
555	Thornton Road South	1813020024018000000
Unassigned	Thornton Road South	1813020025015000000
600	Thornton Road South	1813020025016010000
Unassigned	Thornton Road South	1813050001024750000
767	Thornton Road South	1813050024094000000
755	Thornton Road South	1813050001024500000
Unassigned	Thornton Road South	1813050024093000000
Unassigned	Thornton Road South	1813050024094000000
Unassigned	Thornton Road South	1813050024088000000
1010	Thornton Road South	1813050001018450000
Unassigned	Thornton Road South	1813050024093000000
Unassigned	Thornton Road South	1813050024094000000
Unassigned	Thornton Road South	1813050024088200000
Unassigned	Thornton Road South	1813050024088250000

Street Number	Street Name	Municipal Roll Number
Unassigned	Thornton Road South	1813050024088350000
Unassigned	Wentworth Street West	1813050024102000000
850	Wentworth Street West	1813050001012000000
Unassigned	Stevenson Road South	1813020024018050000
Unassigned	Stevenson Road South	1813050024102000000
882/920	Stevenson Road South	1813050001013000000
880	Stevenson Road South	1813050001015000000
770	Stevenson Road South	1813050001017000000

- 2.27 No Attendant shall provide Services in an Adult Entertainment Parlour in the geographic area of the City, except within the defined geographic area set out in section 2.26 of this Schedule "B".
- 2.28 No Owner or Operator of an Adult Entertainment Parlour shall cause or permit any Attendant while they are performing Services as an Attendant, to have Sexual Contact with another person, or to touch or be touched by or to have physical contact with any other person in any manner whatsoever involving any part of that person's body, whether or not the touching is skin to skin.
- 2.29 No Attendant performing or providing Services in an Adult Entertainment Parlour, during the course of that entertainment, shall have Sexual Contact with another person, or to allow any other person to touch any part of the Attendant's body or to touch any part of any other person's body, whether or not the touching is skin to skin.
- 2.30 No patron attending the facilities of an Adult Entertainment Parlour, during the course of that entertainment, shall touch any part of an Attendant's body, whether or not the touching is skin to skin.
- 2.31 No person shall post or use or cause or permit the posting or use of any printed matter, oral or other communication or thing for the purpose of advertising or promoting an Adult Entertainment Parlour or of Services in reference to an Adult Entertainment Parlour except in accordance with the provisions of sections 2.32, 2.33, 2.34 and 2.35 of this Schedule "B".
- 2.32 An Owner or an Operator may promote an Adult Entertainment Parlour by means of an advertisement published either in print or online in a newspaper, periodical, subscription magazine or other related publication. Each advertisement shall include text only and shall not include any of the following words: "naked", "nude", "topless", "bottomless", "sexy" or any other word, picture, symbol or representation having like meaning or implication.
- 2.33 An Owner or an Operator may promote an Adult Entertainment Parlour by means of an advertisement broadcast on television, radio or other broadcast medium. Each advertisement shall not include any of the following words: "naked", "nude", "topless", "bottomless", "sexy" or any other word, picture, symbol or representation having like meaning or implication.
- 2.34 Every Owner or Operator shall include in every advertisement of their business the Owner's legal name as shown on their licence and the name, if any, under which the Owner carries on the Adult Entertainment Parlour business as shown on their licence.
- 2.35 Regulations with respect to Adult Entertainment Parlour signs may be found in City's Sign By-law 72-96, as amended.

Schedule "C" to By-law 122-2024

Body Rub Parlour

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Body Rub Parlour licence or for the renewal thereof is subject to the application requirements identified in this Schedule "C".
- 1.2 Every Applicant for a Body Rub Owner's licence, a Body Rub Operator's Licence or a Body Rub Attendant's licence shall attend in person and not by agent at the Licensing Services Office of the City and shall complete the prescribed form and furnish such information as may be required pursuant to this By-law. In the case of an Body Rub Parlour owned by a partnership, the attendance required by this section shall be by one (1) of the partners and in the case of a corporate owner, the attendance shall be by an officer or director of the corporation.
- 1.3 No Person shall be a Body Rub Owner in respect of all Body Rub Parlours licensed by the City.
- 1.4 No Person shall be a Body Rub Operator in respect of all Body Rub Parlours licensed by the City.
- 1.5 Body Rub Operators and Body Rub Attendants may only be individuals.
- 1.6 Every Applicant for a Body Rub Owner, Operator or Attendant licence or for the renewal thereof, shall provide to the City proof of their age. No licence shall be issued unless the Director is satisfied that every Applicant is of the full age of eighteen (18) years. The following types of personal identification and proof of age are prescribed for the purposes of this Schedule "C":
 - a) a driver's licence issued by the Province of Ontario which contains a photograph of the person to whom the licence is issued;
 - b) an Ontario Photo Card;
 - c) a Canadian passport;
 - d) a Canadian citizenship card which contains a photograph of the person to whom the card is issued; or
 - e) a Canadian Armed Forces identification card.
- 1.7 Every Applicant for a Body Rub Attendant's licence or for a Body Rub Operator's licence shall submit with the application two (2) passport-size photographs clearly depicting the Applicant's face. One (1) of the photographs shall at all times remain attached to any Body Rub Attendant's licence or Body Rub Operator's licence that may be issued to the Applicant. The other photograph may be retained by the City.
- 1.8 Every Applicant for a Body Rub Attendant's licence shall submit with the application a certificate, on a form supplied by the Director and signed by a person licensed to practice medicine in Ontario, certifying that the Applicant is free from communicable diseases and is medically fit for the purposes of a Body Rub Attendant within one (1) month immediately prior to the date of the application.
- 1.9 Every Applicant for a Body Rub Owner's licence shall submit with the application a list showing the name, address and birth date of each person proposed as a Body Rub Operator and a Body Rub Attendant.
- 1.10 Every Applicant for a Body Rub Owner's licence shall submit with the application a floor plan of the premises to be used as a Body Rub Parlour, which floor plan shall clearly designate the room contemplated by section 2.10 of this Schedule "C" within which Body Rubs may be performed, offered or solicited, and any rooms contemplated by section 2.14 of this Schedule "C" to be used exclusively as an office or as a storage room.

- 1.11 No Body Rub Owner or Body Rub Operator shall permit any change to the floor plan contemplated by section 1.10 of this Schedule "C" except without first obtaining the written approval of the Director.
- 1.12 No person shall be a Body Rub Owner or a Body Rub Operator in respect of any premises except upon such lands as are zoned to permit the use of a Body Rub Parlour.
- 1.13 In addition to the matters provided for in section 3.7 of this By-law and subject to Schedule "C", no licence shall be issued and no licence shall be renewed unless an original Criminal Record and Judicial Matters Check has been provided, dated not prior to thirty (30) days before the date of the licence or renewal application, showing no convictions under Parts V, VII, VIII or IX of the Criminal Code, of Canada R.S.C. 1985, c. C-46, as amended, for the Applicant.
- 1.14 Body Rub Owner, Operator or Attendant licences are not eligible to be components of a Modular Licence issued by the City.
- 1.15 The Director may refuse to accept an Applicant's application for a Body Rub Parlour licence if the Applicant fails to submit the required forms and information in accordance with sections 1.2 through 1.13 of this Schedule "C".

2. Conditions and Regulations

- 2.1 No Person shall be a Body Rub Owner in respect of a Body Rub Parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a Body Rub Owner's licence authorizing that person to carry on such trade, calling, business or occupation in respect of that Body Rub Parlour.
- 2.2 No person shall be a Body Rub Operator in respect of a Body Rub Parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a Body Rub Operator's licence authorizing that person to carry on such trade, calling, business or occupation in respect of that Body Rub Parlour.
- 2.3 No person shall be a Body Rub Attendant in respect of a Body Rub Parlour without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a Body Rub Attendant's licence authorizing that person to carry on such trade, calling, business or occupation in respect of that Body Rub Parlour.
- 2.4 No Applicant shall own or operate or cause or permit to be operated a Body Rub Parlour within the geographic area of the City, except within one (1) of the three (3) following geographic areas:
 - a) the area commencing at the intersection of the southern limit of Highway 401 and the northern limit of Bloor Street West, then easterly along the southern limit of Highway 401 to the intersection of the southerly limit of Highway 401 and the western limit of the original alignment of Park Road South, then southerly along the western limit of Park Road South to its intersection with the northerly limit of CN lands, then westerly along the northern limit of CN lands to the western limit of the lands known municipally as 385 Bloor Street West, then northerly along the western limit of 385 Bloor Street West, then westerly along the northern limit of Bloor Street West to the point of commencement;
 - b) the area bounded on the west by Stevenson Road South, on the north by King Street West, on the east by the eastern limit of the Oshawa Centre property and on the south by Gibb Street; or
 - c) the area bounded on the west by Ritson Road North, on the north by Taunton Road East, on the east by the eastern limit of the Five Points Mall property and its southerly extension to Beatrice Street East and on the south by Beatrice Street East.
- 2.5 No Body Rub Owner shall permit any person other than the Body Rub Operator to operate the Body Rub Parlour.
- 2.6 No Body Rub Owner or Body Rub Operator shall permit any person other than a Body Rub Attendant to perform, offer or solicit a Body Rub in the Body Rub Parlour.

- 2.7 No Body Rub Owner or Body Rub Operator shall permit any person to enter or to remain within a Body Rub Parlour unless the person is no less than the full age of eighteen (18) years.
- 2.8 No Body Rub Owner or Body Rub Operator shall permit the carrying on of any trade, calling, business or occupation within a Body Rub Parlour other than the Body Rub Parlour.
- 2.9 No Body Rub Owner or Body Rub Operator shall permit any person to enter or to remain within the Body Rub Parlour unless there is maintained over the exterior entrance of the Body Rub Parlour or in some other conspicuous place on the exterior of the Body Rub Parlour satisfactory to the Director a sign issued by the Director bearing the words, "licensed body rub parlour no. __", (inserted after "No." the Body Rub Owner's licence number) and "No person less than eighteen years of age is permitted to enter these premises. Comments regarding this business may be made to Licensing Services of the City of Oshawa".
- 2.10 The Body Rub Owner shall designate one (1) single room within the Body Rub Parlour which shall be the only room within which Body Rubs may be performed, offered or solicited. The room shall have no area enclosed or partitioned by any wall extending from the floor to a height in excess of two (2) metres from the floor. The room shall be open at all times to all persons attending the Body Rub Parlour during the business hours of the Body Rub Parlour.
- 2.11 No Body Rub Owner or Body Rub Operator shall permit a Body Rub in any room, cubicle or other enclosure or partitioned area located within the Body Rub Parlour other than in the room designated pursuant to section 2.10 of this Schedule "C".
- 2.12 No Body Rub Attendant shall perform, offer or solicit a Body Rub in any room, cubicle or other enclosure or partitioned area located within the Body Rub Parlour other than in the room designated pursuant to section 2.10 of this Schedule "C".
- 2.13 No Body Rub Owner or Body Rub Operator shall permit the use of any part of a Body Rub Parlour as a dwelling or for sleeping purposes or to contain therein any furniture which is commonly used or may be used for sleeping purposes.
- 2.14 No Body Rub Owner or Body Rub Operator shall permit any door to any room, cubicle or other enclosure or partitioned area within the Body Rub Parlour to be equipped or constructed with a locking device of any kind, or with any device or structure which could delay or hinder anyone from entering or obtaining access to such room, cubicle or other enclosure or partitioned area. This section does not apply to any room within the Body Rub Parlour used exclusively as an office or as a storage room.
- 2.15 No Body Rub Attendant shall perform, offer or solicit a Body Rub in any room, cubicle or other enclosure or partitioned area of a Body Rub Parlour which has a door or other means of access which is equipped or constructed with a locking device of any kind, or with any device or structure or which could delay or hinder anyone from entering or obtaining access to such room, cubicle or other enclosure or partitioned area.
- 2.16 No person shall permit the obstruction, hindrance or delay of any person attempting to gain entry into any room, cubicle or other enclosure or partitioned area of a Body Rub Parlour in which a Body Rub is or may be performed, offered or solicited.
- 2.17 No Body Rub Owner or Body Rub Operator shall cause or permit the operation of the Body Rub Parlour unless the following regulations are complied with:
 - a) the Body Rub Parlour shall be provided with adequate ventilation and with lighting that is adequate to ensure visibility and that is uniformly distributed throughout the premises;
 - b) the Body Rub Parlour shall be provided with adequate toilet and washroom accommodation in accordance with the regulations set forth under the Building Code Act, 1992 S.O. 1992, c. 23;

- c) the Body Rub Parlour and all fixtures and equipment in the Body Rub Parlour shall be regularly washed and kept in a sanitary condition;
- d) without limiting the generality of section 2.17c) of this Schedule "C", the floors of all washrooms in the Body Rub Parlour shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
- e) the Body Rub Parlour shall be equipped with an effective utility sink;
- f) washrooms in the Body Rub Parlour shall be equipped with an adequate supply of hot and cold water, an adequate supply of liquid soap in a suitable container or dispenser, hot air dryers or individual towels in a suitable container or dispenser and a suitable receptacle for used towels and waste material;
- g) the surfaces and attached accessories of any bath or shower enclosure in the Body Rub Parlour shall be self-draining and all showers must have removable cleanable drain covers;
- h) every table, mat or other surface upon which persons lie or sit while receiving a Body Rub shall be clean and in good repair, and shall have a top surface of impervious material;
- i) every table, mat or other surface referred to in section 2.17h) of this Schedule "C" shall be covered with a fresh, clean individual paper or cloth sheet or towel prior to each occasion on which any person receives a Body Rub thereon;
- j) every cloth sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be used again for any purpose before being freshly laundered; and
- k) each Body Rub Attendant shall be fully clothed with opaque clothing.

2.18 No Person shall display or circulate or shall permit the display or circulation of any poster, handbill, sign, card or novelty used to promote the business of a Body Rub Parlour on lands or premises other than premises within which the Body Rub Parlour is situate.

2.19 No Body Rub Owner, Body Rub Operator or Body Rub Attendant shall permit a Body Rub to be performed on any person whom any of the Body Rub Owner, Body Rub Operator or Body Rub Attendant has reasonable cause to suspect has been exposed to or may be suffering from any communicable disease, including any communicable skin disease.

2.20 Every Body Rub Owner, Body Rub Operator and Body Rub Attendant shall, at all times during the regular operating hours of the Body Rub Parlour, make available for inspection by the Director, a peace officer, the Medical Officer of Health, a provincial offences officer or an Officer the original of any document or record referred to in this By-law and shall also provide their name and residential address.

2.21 Every Body Rub Owner and Body Rub Operator shall, at all times permit the entry by and the inspection of the Body Rub Parlour by the Director, a peace officer, the Medical Officer of Health, a provincial offences officer or an Officer.

2.22 No Body Rub Attendant shall have Sexual Contact with any person while performing, offering or soliciting a Body Rub in a Body Rub Parlour.

2.23 No Body Rub Owner or Body Rub Operator shall permit a Body Rub Attendant to have Sexual Contact with any person while performing, offering or soliciting a Body Rub in a Body Rub Parlour.

2.24 No Body Rub Owner or Body Rub Operator shall permit any person to enter or to remain within the Body Rub Parlour except:

- a) from the hour of 9:00 a.m. to 10:00 p.m. of any Monday, Tuesday, Wednesday, Thursday and Friday;
- b) from the hour of 9:00 a.m. to 6:00 p.m. of any Saturday; and

c) from the hour of 10:00 a.m. to 5:00 p.m. of any Sunday.

2.25 Section 2.24 of this Schedule "C" does not prevent a Body Rub Owner or a Body Rub Operator from entering or remaining within the Body Rub Parlour.

Schedule “D” to By-law 122-2024

Carnivals

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every application for a Carnival licence is subject to the application requirements identified in this Schedule “D”.
- 1.2 All applications under this Schedule “D” must be submitted at least thirty (30) days prior to the Carnival.
- 1.3 Every Applicant for a Carnival licence shall be subject to the notice requirements for the operation of a Carnival. The Director shall notify all residential property owners and occupants within one hundred and twenty (120) metres of the Carnival being considered under the licence application, advising the residential property owners and occupants to submit written representations in relation to the Carnival licence application. The Director may approve or deny any licence application and impose such conditions the Director sees fit as a condition of obtaining said licence.
- 1.4 Licences issued under this Schedule “D” shall be valid for a maximum of seven (7) days.
- 1.5 The Director may refuse to accept an Applicant’s application for a Carnival licence if the Applicant fails to submit the required forms and information in accordance with section 1.2 through 1.3 of this Schedule “D”.

2. Conditions and Regulations

- 2.1 No owner or operator of a Carnival shall operate such Carnival between the following hours:
 - a) Sunday to Thursday 10:00 p.m. through to 11:00 a.m. the next day; and
 - b) Fridays and Saturdays between 12:00 a.m. and 10:00 a.m. the next day.

Schedule "E" to By-law 122-2024

Driving Education

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Driving School or Driving Instructor licence or for the renewal thereof is subject to the application requirements identified in this Schedule "E".
- 1.2 Every Applicant for a Driving Instructor licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
- a) proof that the Applicant has a driving instructor licence in good standing issued to the Applicant by the Ontario Ministry of Transportation pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended (referred to as a "Provincial Driving Instructor Licence"); and
 - b) for each Motor Vehicle in which the Applicant will be providing the services of a Driving Instructor, proof of:
 - i. insurance as contemplated in section 3.4 of this By-law; and
 - ii. the issuance within the previous year of a safety standards certificate.
- 1.3 Every Applicant for a Driving School licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
- a) proof that the Applicant has a driving school licence in good standing issued to the Applicant by the Ontario Ministry of Transportation pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended ("Provincial Driving School Licence"); and
 - b) particulars of all Driving Instructors with whom the Applicant has entered into a contract to provide driving instruction pursuant to section 18(1)(8) of O.Reg. 473/07: Licences for Driving Instructors and Driving Schools under the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.
- 1.4 The Director may refuse to accept an Applicant's application for a Driving Instructor or Driving School licence if the Applicant fails to submit the required forms and information in accordance with sections 1.2 through 1.3 of this Schedule "E".

2. Conditions and Regulations

- 2.1 Every Driving Instructor shall, as a condition of obtaining and continuing to hold a Driving Instructor licence, ensure the following:
- a) the Licensee's Provincial Driving Instructor Licence is current and in good standing;
 - b) the Licensee complies at all times with all conditions to and all applicable law related to their Provincial Driving Instructor Licence;
 - c) the Licensee maintains at all times the insurance required by section 1.3b)(i) of this Schedule "E";
 - d) the Motor Vehicle in which the Licensee is providing the services of a Driving Instructor bears identification in such form and displayed in such manner as the Director may direct; and
 - e) subject to section 2.2 of this Schedule "E", the Licensee does not provide any of the services of a Driving Instructor within the following areas (collectively referred to as the "Prohibited Area"):
 - i. the area bounded by and including Adelaide Avenue West, Adelaide

Avenue East, Ritson Road North, Ritson Road South, Bloor Street East, Bloor Street West, Thornton Road South and Thornton Road North; and

- ii. land owned by the City other than highways outside of the area described in section 2.1e)i) of this Schedule "E".

2.2 Section 2.1e) of this Schedule "E" does not apply to the extent that the Licensee:

- a) picks up or drops off an individual who resides within the Prohibited Area provided the services are provided outside of the Prohibited Area; or
- b) is permitting the use of the Licensee's Motor Vehicle for a road test required for a driver's licence issued pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

2.3 Every Driving School shall, as a condition of obtaining and continuing to hold a Driving School licence, ensure the following:

- a) the Licensee's Provincial Driving School Licence is current and in good standing;
- b) the Licensee's complies at all times with all conditions to and all applicable law related to their Provincial Driving School Licence;
- c) the Licensee's employs and offers driver education services provided by licensed Driving Instructors; and
- d) the Licensee does not permit the provision of any of the services of a Driving Instructor within the Prohibited Area except pursuant to section 2.2 of this Schedule "E".

Schedule “F” to By-law 122-2024

Food Shop

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Food Shop licence or for the renewal thereof is subject to the application requirements identified in this Schedule “F”.
- 1.2 Every Applicant for any Class A – Food Shop or Class B – Accessory to Food Shop licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
 - a) proof of an Ontario Business Name Registration and/or Articles of Incorporation;
 - b) a copy of the lease and/or other instrument pursuant to which the Applicant claims to be entitled to occupy the proposed Food Shop in the event that the Applicant is not the registered owner of the premises of the proposed Food Shop.
- 1.3 Every Applicant for a Class A – Food Shop licence shall indicate whether the Class A – Food Shop will have a Class B – Accessory to Food Shop. If so, the Applicant shall submit a proposed location and site plan of the Class B – Accessory to Food Shop.
- 1.4 Every Class B – Accessory to Food Shop licence shall be issued for the same and/or remaining licence term established by the Applicant’s existing Class A – Food Shop licence, with the Class B – Accessory to Food Shop licence expiring on the same day as the existing Class A – Food Shop licence.
- 1.5 Class C – Temporary Food Shop licences shall be issued for a one (1) year licence term and shall be eligible to operate for a total of fifteen (15) days during the licence term. Licensees operating sixteen (16) days or more within the designated licence term will be subject to additional fees as set out in the City’s Fees and Charges By-law 109-2024.
- 1.6 The Director may refuse to accept an Applicant’s application for any class of Food Shop licence if the Applicant fails to submit the required forms and information in accordance with sections 1.2 through 1.5 of this Schedule “F”.

2. Conditions and Regulations

- 2.1 Without limiting section 2.6 of this By-law, every Licensee shall, as a condition of obtaining and continuing to hold any class of a Food Shop licence, ensure the following:
 - a) compliance with all applicable City by-laws and laws and regulations of the Province of Ontario and Government of Canada including, but not limited to:
 - i. the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and its regulations, each as amended;
 - ii. the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 and its regulations, each as amended;
 - iii. O. Reg. 164/99: Electrical Safety Code, under the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A, as amended;
 - iv. the Building Code Act, 1992, S.O. 1992, c. 23 and its regulations, each as amended;
 - v. the City’s Zoning By-law 60-94, as amended; and,
 - vi. the City’s Property Standards By-law 1-2002, as amended.

b) an operator or owner of a Food Shop shall not operate on any Lot or premises except pursuant to the consent in writing of all owners of the Lot or premises.

- 2.2 A Class B – Accessory to Food Shop is permitted on private property within one (1) metre of a City sidewalk subject to the conditions in this Schedule “F”. In order to qualify as a Class B – Accessory to Food Shop, a Refreshment Vehicle must be owned or operated by the operator of the Class A – Food Shop.
- 2.3 No Class B – Accessory to Food Shop shall operate in a location not approved by the Director.
- 2.4 No Class B – Accessory to Food Shop shall operate unless there is a flat hardstand surface on the private property between the edge of the sidewalk and the site on which the Class B – Accessory to Food Shop is operated, which measures at least one (1) metre by three (3) metres.
- 2.5 No Class B – Accessory to Food Shop shall operate unless there is a City sidewalk with a minimum unobstructed width of one metre and eight centimetres (1.8 m) (adjacent to the Class B – Accessory to Food Shop).
- 2.6 No Class B – Accessory to Food Shop shall operate where the cooking facilities are placed within one (1) metre of an entrance and in a manner that obstructs an entrance or doorway to a building.
- 2.7 No Class B – Accessory to Food Shop shall operate where the cooking facilities rest on anything other than a flat hardstand surface which is situated so as not to cause a hazard to pedestrians.
- 2.8 No Class B – Accessory to Food Shop shall fail to keep the City sidewalk clear of debris and residue from the operation of its facility at all times.
- 2.9 No Class B – Accessory to Food Shop shall operate without maintaining an insurance policy meeting the requirements of section 3.4 of this By-law.

Schedule "G" to By-law 122-2024

Payday Loans

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Payday Loan licence or for the renewal thereof is subject to the application requirements identified in this Schedule "G".
- 1.2 Every Applicant for a Payday Loan Establishment licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
 - a) evidence of a valid payday lender licence pursuant to the Payday Loans Act, 2008, S.O. 2008, c.9, as amended;
 - b) evidence of compliance with the City's Zoning By-law 60-94, as amended;
 - c) a statement attesting to the accuracy, truthfulness and completeness of the application and other items including, but not limited to, that:
 - i. the Payday Loan Establishment will provide educational material in accordance with sections 5(1) and 13 of O.Reg. 98/09: General under the Payday Loans Act, 2008, S.O. 2008, c.9, as amended; and
 - ii. the Payday Loan Establishment will advertise credit counselling services.
- 1.3 No new Payday Loan Establishment shall be issued a licence except for in geographic areas permitted by section 1.4 or 2.3 of this Schedule "G".
- 1.4 No new Payday Loan Establishment shall be issued a licence if the application:
 - a) exceeds the maximum of ten (10) Payday Loan Establishments permitted within the boundary of the City;
 - b) exceeds the maximum of two (2) Payday Loan Establishments permitted per ward;
 - c) is to be located in the Downtown Oshawa Urban Growth Centre, as defined in the City's Official Plan; or
 - d) is to be located within one-hundred and fifty (150) metres of another licensed Payday Loan Establishment or any public, separate, private elementary, secondary or Montessori school.
- 1.5 The Director may refuse to accept an Applicant's application for a Payday Loan Establishment licence if the Applicant fails to submit the required forms and information in accordance with sections 1.2 through 1.4 of this Schedule "G".

2. Conditions and Regulations

- 2.1 Without limiting section 2.2 of this By-law no Licensee within the meaning of the Payday Loans Act, 2008, S.O. 2008, c.9, as amended, shall operate a business except in respect of which a licence has been issued pursuant to this By-law.
- 2.2 Every Payday Loan Establishment shall, as a condition of obtaining and continuing to hold a Payday Loan Establishment licence, ensure the following:
 - a) the Payday Loan Establishment shall provide educational material in accordance with sections 5(1) and 13 of O. Reg. 98/09: General under the Payday Loans Act, 2008, S.O. 2008, c.9, as amended; and
 - b) the Payday Loan Establishment shall advertise credit counselling services.
- 2.3 Existing Payday Loan Establishments may continue to operate in their existing location despite the restrictions outlined in section 1.4 of this Schedule "G", as

long as the Payday Loan Establishment continues to operate as a licensed Payday Loan Establishment and the licence is renewed annually.

- 2.4 Despite section 1.4 of this Schedule "G", the following Payday Loan Establishments that are in operation as of date of passage of this By-law are permitted to continue to be in operation. A Payday Loan Establishment is only permitted to operate in the following locations as long as the business continues to be used as a Payday Loan Establishment, the Payday Loan Establishment licence is maintained and renewed annually, and the Payday Loan Establishment is in compliance with this By-law and all applicable City by-laws and laws and regulations of the Province of Ontario and Government of Canada. The permitted Payday Loan Establishment locations and operators are as follows:

	Person	Operating Name	Address
a.	2742565 ONTARIO INC	PAYDAY LOAN DIRECT	129 King St E Unit 2
b.	2719555 ONTARIO INC.	OSHAWA PAYDAY LOANS	204 King St E
d.	CASH 4 YOU CORP.	CA\$H 4 YOU	333 King St W Unit B
e.	CASH MONEY CHEQUE CASHING INC.	CASH MONEY	346 King St W
f.	2461137 ONTARIO INC.	CASH EXPRESS	378 King St W Unit 102
g.	2611314 ONTARIO INC.	PAY2DAY	420 King St W Unit 2
h.	NATIONAL MONEY MART COMPANY	MONEY MART	428 King St W
j.	NATIONAL MONEY MART COMPANY	MONEY MART	16 Simcoe St N
k.	CASH 4 YOU CORP.	CA\$H 4 YOU	64 Simcoe St N
m.	CASH MONEY CHEQUE CASHING INC.	CASH MONEY	1180 Simcoe St N Unit 7
n.	CASH 4 YOU CORP.	CA\$H 4 YOU	1208 Simcoe St N
o.	NATIONAL MONEY MART COMPANY	MONEY MART	300 Taunton Rd E
q.	NATIONAL MONEY MART COMPANY	MONEY MART	301 Wentworth St W

Schedule "H" to By-law 122-2024

Peddlers

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Peddler licence or for the renewal thereof is subject to the application requirements identified in this Schedule "H".
- 1.2 Every Applicant for a Peddler licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, clearly indicating whether the Peddler will sell from place to place or whether the Peddler will sell from one location only.
- 1.3 An issued Peddler licence shall clearly specify whether the Peddler is authorized to sell from place to place or from a specified location.
- 1.4 All applications under this Schedule "H" must be submitted at least thirty (30) days prior to the sale of goods.
- 1.5 No new Peddler licence shall be issued for a particular location unless:
 - a) peddling is permitted pursuant to the City's Zoning By-law 60-94, as amended; and,
 - b) the Applicant has provided written proof, satisfactory to the Director that they are the property owner of the land at the location or, alternatively, that they have the authority of the property owner and/or manager to vend from the site.
- 1.6 No Peddler licence is required in the following situations:
 - a) individuals conducting private yard and/or garage sales of used household goods at their place of residence and conducted by the resident of the property not exceeding four (4) private yard or garage sales in each calendar year;
 - b) a general Peddler vending under the auspices of a licensed Special Event Organizer;
 - c) industry tradeshow for the purposes of selling goods to companies and not to the general public;
 - d) individuals selling crafts, wares, and merchandise they have produced themselves;
 - e) Persons who are agents or employees of non-profit or charitable organizations vending goods for the sole benefit of such organizations. Such individuals operating as a Special Events Organizer would be required to obtain a Special Events Organizer licence;
 - f) Persons fundraising for Oshawa-based organized sports teams and/or educational programs by conducting sales from place to place or from a particular place;
 - g) sporting-event vendors selling t-shirts, equipment and paraphernalia directly related to the sporting event taking place at where they are vending; or
 - h) City-organized special events.
- 1.7 The Director may refuse to accept an Applicant's application for a Peddler licence if the Applicant fails to submit the required forms and information in accordance with sections 1.2 through 1.6 of this Schedule "H".

2. Conditions and Regulations

- 2.1 No Peddler who is licensed to sell from place to place shall establish a display in one (1) location and to vend from it under the auspices of that licence.

- 2.2 No Peddler who is licensed to sell from one (1) location shall sell from place to place under the auspices of that licence. All goods, wares, merchandise, signs and other paraphernalia of the Peddler must remain on the site which is licensed, and must not be situated, even temporarily, on abutting properties, including road allowances.
- 2.3 As required by section 6 of this By-law, all Peddlers must carry with them, and have available for display upon request, their written authority to peddle in the City of Oshawa. This authority may be in the form of a Peddler licence issued by the Director pursuant to this By-law, or the written authorities required to establish an exemption under section 1.6 of this Schedule "H". Failure to carry this authority or to produce it upon request constitutes offences. In a prosecution for breach of this By-law, the onus of proving an exemption from requirement for a Peddler licence, as mentioned in section 1.6 of this Schedule "H", is upon the Person claiming the exemption.

Schedule "I" to By-law 122-2024

Public Halls

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Public Hall licence or for the renewal thereof is subject to the application requirements identified in this Schedule "I".
- 1.2 Every Applicant for a Public Hall licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
- a) the municipal address of the premises for which the Public Hall licence is sought including, if applicable, the floor and unit number(s);
 - b) a detailed plan of the premises for which the Public Hall licence is sought depicting, at a minimum:
 - i. the perimeter and total area of the premises;
 - ii. the location and dimensions of exits;
 - iii. a floor plan depicting the location and dimensions of seating arrangements, tables, bars, pool tables and arcade games proposed for the premises; and
 - iv. the location of fire safety systems including fire alarms, emergency lighting, exit signs, sprinklers, standpipe systems and other similar fire safety systems;
 - c) a description of the event(s) proposed for the Public Hall;
 - d) the maximum proposed occupant load of the Public Hall;
 - e) evidence satisfactory to the Director that the Public Hall and its proposed use comply with O. Reg. 164/99: Electrical Safety Code under the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A, as amended, within the three (3) months immediately preceding the date that the application is received by the Director indicating approval of all electrical services; and
 - f) a certificate of insurance or a certified copy of the policy of insurance required by section 3.4 of this By-law.
- 1.3 The Director shall not issue a licence in respect of a Large Public Hall if a licence in respect of another Large Public Hall has been issued in respect of premises located within eight hundred (800) metres from the premises for which the licence is sought. For the purposes of this section, the distance shall be measured from the perimeter of the premises for which the licence is sought to the perimeter of the existing licensed Large Public Hall.
- 1.4 The Director shall not issue a licence in respect of a Large Public Hall if the premises for which the licence is sought is located within twenty (20) metres of a Residential Zone. For the purposes of this section, the distance shall be measured from the perimeter of the premises for which the licence is sought to the boundary of the Residential Zone.
- 1.5 The Director may refuse to accept an Applicant's application for a Public Hall licence if the Applicant fails to submit the required forms and information in accordance with section 1.2 through 1.4 of this Schedule "I".

2. Conditions and Regulations

- 2.1 No Keeper of a Public Hall shall permit any person to enter or to remain within the Public Hall unless a Public Hall licence has been issued in respect of the Public Hall. This section does not prevent a Keeper or a Keeper's employees from entering or remaining within the Public Hall.

- 2.2 Each Public Hall licence shall set out the maximum occupant load of the Public Hall.
- 2.3 The maximum occupant load of a Public Hall shall be the lesser of:
- a) the maximum occupant load proposed pursuant to section 1.2d) of this Schedule "I"; and
 - b) that as prescribed by O. Reg. 332/12: Building Code under the Building Code Act, 1992, S.O. 1992, c. 23, as amended, as determined by the City's Chief Building Official and their designates.
- 2.4 No Keeper of a Public Hall shall permit any person to enter or to remain within the Public Hall unless there is displayed within the Public Hall in a prominent place adjacent to each entrance to the Public Hall placards with lettering not less than ten (10) millimetres high reading "occupancy of this hall by more than [number] persons is dangerous and unlawful", with the blank filled in with the maximum occupant load prescribed by section 2.3 of this Schedule "I".
- 2.5 No Keeper of a Public Hall shall permit the number of persons in the Public Hall at any one time to exceed the maximum occupant load of the Public Hall as stated on the Public Hall licence.
- 2.6 No Keeper of a Public Hall shall permit any person to enter or to remain within the Public Hall unless all Keepers have complied with all applicable laws and regulations relating to the Public Hall including, without limitation, O. Reg. 332/12: Building Code under the Building Code Act, 1992, S.O. 1992, c. 23, O. Reg. 213/07: Fire Code under the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and the regulations thereunder, each as amended, as well as all applicable City by-laws and laws and regulations of the Province of Ontario and Government of Canada.
- 2.7 No Keeper of a Public Hall shall permit riotous, quarrelsome, violent or disorderly conduct to occur in the Public Hall.
- 2.8 No Keeper of a Large Public Hall shall permit any person to enter the Large Public Hall except from the hour of 8:00 a.m. to 2:00 a.m. of the next day or to remain within the Large Public Hall after 3:30 a.m. This section does not apply during the evening of New Year's Eve and the morning of New Year's Day for any Large Public Hall to which a licence pursuant to the Liquor Licence Act, R.S.O. 1990, c. L.19, as amended, has been issued. This section does not prevent a Keeper or a Keeper's employees from entering or remaining within the Large Public Hall.
- 2.9 No Keeper of a Large Public Hall shall permit any person to enter or to remain within the Large Public Hall unless a Keeper has maintained a written record of the number of persons then within the Large Public Hall. This section does not prevent a Keeper or a Keeper's employees from entering or remaining within the Large Public Hall.
- 2.10 No Keeper of a Large Public Hall shall permit any person to enter or to remain within the Large Public Hall after 9:00 p.m. unless there is in attendance within the Large Public Hall one (1) Security Guard per 250 persons or part thereof and, in any event, no fewer than two (2) Security Guards. This section does not prevent a Keeper or a Keeper's employees from entering or remaining within the Large Public Hall.
- 2.11 For the purposes of section 2.11 of this Schedule "I", each Security Guard shall wear clothing which clearly identifies the Security Guard as a Security Guard and shall be:
- a) employed by the Keeper of the Large Public Hall to whom or to which the Public Hall licence has been issued;
 - b) employed by a person licensed to engage in the business of providing security guards pursuant to the Private Investigators and Security Guards Act, R.S.O. 1990, c. P.25, as amended; or

c) licensed to act as a Security Guard pursuant to the Private Investigators and Security Guards Act, R.S.O. 1990, c. P.25, as amended.

2.12 For the purposes of section 2.11 of this Schedule "I", the Keepers of a Large Public Hall shall provide the Security Guards at the Keepers' expense at all times from the hour of 9:00 p.m. to a time that is forty-five (45) minutes after all persons except the Keeper and the Keeper's employees have left the Large Public Hall.

2.13 No Keeper of a Large Public Hall shall permit any person to enter or to remain within the Large Public Hall at any time after the hour of 8:00 p.m. unless a Keeper is within the Large Public Hall at all times during that period.

2.14 The provisions of sections 2.8, 2.10, 2.11, 2.12 and 2.13 of this Schedule do not apply to a Large Public Hall during the time that the Large Public Hall is used exclusively:

- a) as a Bingo Hall; or
- b) for a sporting event.

Schedule “J” to By-law 122-2024

Refreshment Vehicles

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Refreshment Vehicle licence or for the renewal thereof is subject to the application requirements identified in this Schedule “J”.
- 1.2 Every Applicant for any class of Refreshment Vehicle licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
 - a) a photograph and detailed scale drawing of the Refreshment Vehicle;
 - b) the Refreshment Vehicle’s Gross Vehicle Weight;
 - c) a list of all Food (for each Food that is prepared elsewhere than within the Refreshment Vehicle, the municipal address at which the Food is prepared);
 - d) where the Refreshment Vehicle is or is to be equipped with a propane appliance, a report or certificate issued within the ninety (90) day period immediately preceding the date on which the application is submitted that satisfies the Director that the appliance complies with O. Reg. 211/01: Propane Storage and Handling under the Technical Standards and Safety Act, 2000, S.O. 2000, c. 16, as amended; and
 - e) and a statement by each Owner certifying the accuracy, truthfulness and completeness of the application.
- 1.3 In addition to the requirements of section 1.2 of this Schedule “J”, where an application is submitted a Stationary Refreshment Vehicle, it shall include the following:
 - a) the legal description and municipal address of the Lot or Lots on which the Stationary Refreshment Vehicle is proposed to operate including, for each Lot, a copy of each instrument that evidences ownership of the Lot; and
 - b) the consent in writing of all owners of each Lot on which the Stationary Refreshment Vehicle is proposed to operate and a site plan drawn to scale that depicts each Lot on which it is proposed to place the Stationary Refreshment Vehicle including particulars of the location of the Stationary Refreshment Vehicle in relation to the Lot limits of the lands and to any improvements on the lands.
- 1.4 In addition to the requirements of section 1.2 of this Schedule “J”, where an application is submitted for a Motorized Mobile Refreshment Vehicle, it shall include the following:
 - a) a copy of the current Vehicle registration;
 - b) an inspection certificate issued within the ninety (90) day period immediately preceding the date on which the application is submitted that satisfies the Director that the Motorized Mobile Refreshment Vehicle complies with the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended; and
 - c) proof of placement of Motor Vehicle liability insurance.
- 1.5 Class C – Temporary Mobile Refreshment Vehicle licences shall be issued for a one (1) year licence term and shall be eligible to operate for a total of fifteen (15) days during the licence term. Class C – Temporary Mobile Refreshment Vehicle Licensees intending to operate for a total of sixteen (16) days or more during the established one (1) year licence term are required to apply for and obtain a Class B – Mobile Refreshment Vehicle licence.

- 1.6 The Director may refuse to accept an Applicant's application for any class of Refreshment Vehicle licence if the Applicant fails to submit the required forms and information in accordance with sections 1.2 through 1.5 of this Schedule "J".

2. Conditions and Regulations

- 2.1 Every Owner or Operator of a Refreshment Vehicle shall, as a condition of obtaining and continuing to hold any class of Refreshment Vehicle licence, ensure the following:

- a) the Owner maintains the insurance contemplated in section 3.4 of this By-law;
- b) the Owner and/or Operator of the Refreshment Vehicle, comply at all times with all applicable City by-laws and law and regulations of the Province of Ontario including, but not limited to,
 - i. the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and its regulations, as amended;
 - ii. the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 and its regulations, as amended;
- c) each Operator is clean and wears headgear that confines the Operator's hair;
- d) each Operator washes their hands thoroughly before handling Food;
- e) each Operator wears clean clothes that are neat in appearance;
- f) the Refreshment Vehicle is clean, sanitary, in good repair, sufficiently constructed so as to protect against contamination of Food and maintains a certificate of health inspection in good standing;
- g) the floor of the Refreshment Vehicle is constructed of material that is impervious and washable;
- h) the Refreshment Vehicle is equipped with no fewer than one (1) refuse container for solid wastes which is available to the public;
- i) each solid waste refuse container is equipped with a self-closing lid, maintained at all times in a clean and sanitary condition and is emptied when full and at least once daily;
- j) the Refreshment Vehicle is equipped with a waste tank for the disposal of liquid wastes including waste water and used cooking oil;
- k) the liquid waste tank is equipped with a functioning gauge that provides an accurate and easily readable measurement of the quantity of liquid waste in the tank;
- l) no liquid waste is disposed of except into the liquid waste tank;
- m) a Refreshment Vehicle that is equipped with heating appliance is also equipped with all applicable safety and fire equipment that complies with all applicable City by-laws and laws and regulations of the Province of Ontario and Government of Canada;
- n) a Refreshment Vehicle shall be brought forthwith to the place and at the time that the Director or an Officer may from time to time direct for purposes of inspection; and
- o) the Owner or Operator must ensure that the immediate vicinity is kept free of all waste.

- 2.2 Every Owner or Operator of a Stationary Refreshment Vehicle shall, as a condition of obtaining and continuing to hold a Stationary Refreshment Vehicle licence, ensure the following:

- a) the Stationary Refreshment Vehicle is not operated on a Highway;

- b) the Stationary Refreshment Vehicle is not operated except pursuant to the consent in writing of all owners of each Lot on which it is operated; and
- c) the Stationary Refreshment Vehicle is operated only on the Lot or Lots specified in the licence.

2.3 Every Owner or Operator of a Mobile Refreshment Vehicle shall, as a condition of obtaining and continuing to hold a Mobile Refreshment Vehicle licence, ensure the following:

- a) all cooking appliances must be designed, constructed, maintained and at all times operated to prevent hot grease or cooking oil from escaping from the appliance while the Mobile Refreshment Vehicle is in motion;
- b) no Food shall be offered, sold or made available to any person on a Highway except a person who is within the limits of a Sidewalk;
- c) the Mobile Refreshment Vehicle shall not be operated:
 - i. between 10:00 p.m. to 7:00 a.m. of any day on a City Highway abutting a Residential Zone or on a lot solely used for residential purposes;
 - ii. on a City Highway abutting a Residential Zone or on a lot solely used for residential purposes for a period exceeding ten (10) minutes;
 - iii. within one hundred (100) metres of any special event where a special event permit has been issued by the City unless the Mobile Refreshment Vehicle has obtained written consent from the special event permit holder;
 - iv. within the Urban Growth Boundary, as established in Schedule "I" of Zoning By-law 60-94, as amended, with the exception of:
 - a) Hot Dog Carts; and,
 - b) City-designated on-street parking areas as follows:
 - i. Debwewin Miikan;
 - ii. Metcalfe Street;
 - iii. Richmond Street East (limited to the five (5) most easterly parking spaces immediately west of Mary Street North); and,
 - c) special events where a special event permit has been issued by the City;
 - v. within one hundred (100) metres of any Park or of any Lot on which a School is situated unless the Mobile Refreshment Vehicle has obtained written consent from either the property owner and/or the School's administrator to vend on the property and/or the special event permit holder and is vending as part of the special event and/or is vending on a City-designated on-street parking area as detailed in section 2.3c)iv)b) of this Schedule "J";
 - vi. on any Lot except pursuant to the consent in writing of all owners of the Lot;
 - vii. within twenty (20) metres of any restaurant unless the Mobile Refreshment Vehicle is vending as part of a special event where a special event permit has been issued by the City and the Mobile Refreshment Vehicle has obtained written consent from the special event permit holder;
- d) The Owner or Operator of a Mobile Refreshment Vehicle shall not set up seating at or near the Mobile Refreshment Vehicle.

2.4 Notwithstanding section 2.3c)ii) of this Schedule "J", the following applies to Mobile Refreshment Vehicles:

- a) where persons who queue within the ten (10) minute period have not been served, the period may be extended to the earlier of the expiry of the next ten (10) minute period and the time that the last of such persons is served; and
- b) a Mobile Refreshment Vehicle may be operated on a City Highway in a Residential Zone or a Lot solely used for residential purposes for longer than ten (10) minutes if the City Highway is closed pursuant to a special event permit issued by the City and the Mobile Refreshment Vehicle has obtained written consent from the special event permit holder.

2.5 Every Owner or Operator of a Motorized Mobile Refreshment Vehicle shall, as a condition of obtaining and continuing to hold a Motorized Mobile Refreshment Vehicle licence, ensure the following:

- a) the Owner maintains the insurance contemplated in section 3.4 of this By-law;
- b) the Motorized Mobile Refreshment Vehicle is equipped with a functioning and audible sound-emitting warning device that is activated when the Motorized Mobile Refreshment Vehicle is moving backward;
- c) the Motorized Mobile Refreshment Vehicle is constructed and maintained to protect persons from exposure to engine exhaust fumes;
- d) before moving the Motorized Mobile Refreshment Vehicle, an Operator ensures that there are no persons or obstacles in the intended path of travel; and
- e) the Motorized Mobile Refreshment Vehicle is not operated on a Sidewalk.

Schedule “K” to By-law 122-2024

Second Hand Dealer and Pawnbroker

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Second Hand Dealer and Pawnbroker licence or for the renewal thereof is subject to the application requirements identified in this Schedule “K”
- 1.2 Every Applicant for a Second Hand Dealer and Pawnbroker licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
- a) a description of the Second Hand Goods in which the Applicant proposes to Deal;
 - b) the number of Deals respecting Second Hand Goods which the Applicant proposes annually;
 - c) a description of the proposed Second Hand/Pawn Shop including:
 - i. copy of property parcel register or abstract index;
 - ii. copy of most recent transfer identifying current registered owner(s);
 - iii. in the event that the Applicant is not a current registered owner, a copy of the lease and/or other instrument pursuant to which the Applicant claims to be entitled to occupy the proposed Second Hand/Pawn Shop;
 - iv. the municipal address of the premises for which the Second Hand/Pawn Shop is located including, if applicable, the floor and unit number;
 - v. sketch or survey of the floor plan depicting the limits of the Second Hand/Pawn Shop, the Holding Area and any proposed outdoor storage including fencing.
 - d) for a corporate Applicant, a copy of its Articles of Incorporation and the name, address and telephone number of each officer and shareholder; and
 - e) for an Applicant that is a partnership, the name, address and telephone number of each partner.
- 1.3 The Director may refuse to accept an Applicant’s application for a Second Hand Dealer and Pawnbroker licence if the Applicant fails to submit the required forms and information in accordance with section 1.2 of this Schedule “K”.

2. Conditions and Regulations

- 2.1 Subject to section 2.22 of this Schedule “K”, this Schedule “K” does not apply to deals involving:
- a) goods returned to a retailer for purposes of refund or exchange for other merchandise or for credit; and,
 - b) Motor Vehicles.
- 2.2 This Schedule “K” does not apply to persons who Deal exclusively in one (1) or more of the following:
- a) books, magazines or comics;
 - b) clothing;
 - c) children’s toys;

- d) infant equipment and infant furniture; and
 - e) refrigerators, stoves, ranges, dishwashers, freezers, washers, dryers or parts thereof.
- 2.3 This Schedule "K" does not apply to persons who deal exclusively in Second Hand Goods with a value of less than one hundred dollars (\$100) per item.
- 2.4 This Schedule "K" does not apply to any of the following when acting in respect of the discharge of their duties:
- a) peace officers;
 - b) trustees in bankruptcy;
 - c) receivers;
 - d) estate trustees; and
 - e) charities registered under the Income Tax Act, R.S.C. 1985, c.1, as amended.
- 2.5 No Second Hand Dealer or Salvage Second Hand Dealer shall permit a Deal in respect of Second Hand Goods except in compliance with the provisions of this Schedule.
- 2.6 No Second Hand Dealer shall permit the Acquisition of Second Hand Goods by any person other than by the Second Hand Dealer or the Second Hand Dealer's employees.
- 2.7 In the event that an Acquisition would cause the total number of Deals to exceed the number specified for the purpose of section 1.2b) of this Schedule "K" the Second Hand Dealer shall, within five (5) days of the date of such Acquisition, notify the Director in writing.
- 2.8 No Second Hand Dealer shall permit the Acquisition of Second Hand Goods from any person who is or who appears to be:
- a) under the age of eighteen (18) years; or
 - b) under the influence of alcohol or drugs.
- 2.9 No Second Hand Dealer shall permit the Acquisition of a Second Hand Good unless a record respecting the Second Hand Good is created at the time of Acquisition that includes the following particulars:
- a) date and time of Acquisition;
 - b) the identity of the person Acquiring the Second Hand Good;
 - c) all consideration given including price paid;
 - d) description of the Second Hand Good that is reasonably sufficient to identify it and to distinguish it from other Second Hand Goods of the same type including, as applicable, each of the following:
 - i. the identity of its Manufacturer;
 - ii. year of manufacture;
 - iii. make;
 - iv. model;
 - v. serial number;
 - vi. identifying marks;
 - vii. title;

- viii. media (including, but not limited to, a compact disk, tape, vinyl record, DVD, VHS tape);
 - ix. weight;
 - x. colour;
 - xi. karat;
 - xii. engravings; and
 - xiii. gem type; and
- e) a unique number.
- 2.10 No Second Hand Dealer shall permit a Deal in respect of a Second Hand Good that bears or that customarily bears a serial number unless:
- a) no part of the serial number has been removed or obscured; and
 - b) the entire serial number has been recorded for the purpose of section 2.9d)(v) of this Schedule "K".
- 2.11 No Second Hand Dealer shall permit a Deal in respect of a Second Hand Good unless:
- a) two (2) copies of a receipt are issued at the time of Acquisition each of which includes:
 - i. the original signature of the person from whom the Second Hand Good was Acquired; and
 - ii. particulars prescribed by sections 2.9 of this Schedule "K";
 - b) the Second Hand Dealer forthwith provides one (1) copy of the receipt to the person from whom the Second Hand Good was Acquired; and
 - c) the Second Hand Dealer retains the remaining copy of the receipt.
- 2.12 No Second Hand Dealer shall permit a Deal in respect of a Second Hand Good unless a label is affixed to the Second Hand Good at the time of Acquisition and remains affixed until the time of Disposition that includes the following:
- a) particulars prescribed by sections 2.9a) and 2.9e) of this Schedule "K"; and
 - b) any three (3) of the particulars prescribed by section 2.9d) of this Schedule "K".
- 2.13 Each record contemplated by sections 2.9, 2.11 and 2.12 of this Schedule "K" shall be legible.
- 2.14 No Second Hand Dealer shall permit a Deal in respect of Second Hand Goods except upon posting and keeping posted within the Second Hand/Pawn Shop no fewer than two (2) notices posted in a manner and in a form prescribed by the Director respecting the collection of personal information pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O 1990, c. M.56, as amended.
- 2.15 A Second Hand Dealer shall maintain at the Second Hand/Pawn Shop the original, a photocopy and/or an electronic copy, as applicable, of each record contemplated by sections 2.9, 2.11 and 2.12 of this Schedule "K" for a period of no less than one (1) year from the date on which each such record was created for the purposes of inspection pursuant to section 2.9 of this Schedule "K".
- 2.16 No Second Hand Dealer shall permit any Deal, display, holding, repair or any dealing with Second Hand Goods except from and entirely within the Second Hand/Pawn Shop.

- 2.17 In addition to any other requirement of this Schedule "K", the Director may, in either of the following circumstances, prescribe different standards for a particular Second Hand Dealer:
- a) the number of Deals specified for the purpose of section 1.2b) of this Schedule "K" exceeds one hundred (100); or
 - b) the Director determines, as a result of the notice contemplated by section 2.7 of this Schedule "K" or otherwise, that the number of Deals has exceeded the number specified for the purpose of section 1.2b) of this Schedule "K".
- 2.18 No Second Hand Dealer shall permit any alteration, repair or disposition of a Second Hand Good unless:
- a) such Second Hand Good has been held within the Holding Area for a period of no less than twenty-one (21) calendar days from the date of Acquisition; and
 - b) during the entire period contemplated by section 2.18a) of this Schedule "K", the Second Hand Good has not been displayed, offered or visible for purposes of Disposition.
- 2.19 No Second Hand/Pawn Shop Licencee shall permit the business of both a Second Hand Dealer and a Pawnbroker to be carried on within the Second Hand/Pawn Shop.
- 2.20 No Second Hand Dealer or Salvage Second Hand Dealer shall permit outdoor storage except pursuant to the following:
- a) compliance with City's Zoning By-law 60-94, as amended;
 - b) enclosure of the outdoor storage area by a fence no more than three (3) metres high constructed to entirely obscure from external view the outdoor storage area, and in compliance with the City's Fence and Sight Triangle By-law 23-2014, as amended; and
 - c) storage of goods within the outdoor storage area shall not exceed the lowest height of the fence required by section 2.20b) of this Schedule "K".
- 2.21 No Pawnbroker shall, by virtue of one (1) licence, carry on business as a Pawnbroker in more than one (1) Second Hand/Pawn Shop.
- 2.22 A Pawnbroker shall:
- a) keep exhibited in large, legible characters on a sign over the front door of the Second Hand/Pawn Shop, the Pawnbroker's name and the word "Pawnbroker"; and
 - b) keep displayed conspicuously in the Second Hand/Pawn Shop a notice in large, legible characters so as to be visible to persons pawning Second Hand Goods or redeeming Pledges, showing:
 - i. rights of redemption of Pledges; and
 - ii. rates of interest to be taken by Pawnbrokers for sums lent.
- 2.23 A Pawnbroker shall not:
- a) purchase any Second Hand Good or receive or take any Second Hand Good in pawn from any person who appears to the Pawnbroker to be under the full age of eighteen (18) years and/or to be under the influence of alcohol or drugs;
 - b) purchase or take in pawn a pawnticket issued by themselves or any other pawnbroker;
 - c) carry on business as a Pawnbroker on a Sunday, Good Friday, Christmas Day or any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday, or on any other day before 8 a.m. or after 8 p.m.;

- d) purchase, sell or otherwise deal with any Pledge while in pawn to the Pawnbroker, except in accordance with this By-law and Schedule "K";
- e) suffer any Pledge while in pawn to the Pawnbroker to be redeemed with a view to the Pawnbroker's purchasing it;
- f) make any contract or agreement with any Person pawning or offering to pawn any Second Hand Good, or with the owner thereof, for the purchase, sale or disposition thereof, within the time of redemption;
- g) take in pawn any cross, medal, insignia or other decoration granted by or with the approval of His Majesty the King; or
- h) melt any gold, silver, platinum or other precious metal that was pawned with the Pawnbroker, that was not redeemed, and that has become the Pawnbroker's absolute property under the terms of the agreement with the Pawner, unless authorized so to do by the City.

2.24 Every Pawnbroker who takes a Second Hand Good in pawn shall, before any money is lent thereon, enter in a book to be kept for that purpose:

- a) the day, month and year in which the Pledge was taken;
- b) the full name, address and a description of the person delivering the Second Hand Good for pawn reasonably sufficient to identify such person including full particulars of identification if produced and, where the person who delivers the article for pawn states that they are the agent of its owner for the purpose of pawning it, the name and address of the owner;
- c) a description of the Pledge reasonably sufficient to identify it; and
- d) the sum lent on the Pledge.

2.25 At the time of taking a Second Hand Good in pawn, the Pawnbroker shall give the Pawner a pawnticket containing:

- a) the Pawnbroker's name and business address;
- b) the name of the Pawner;
- c) the day, month and year in which the Pledge was taken in pawn;
- d) the number of the entry of the Pledge in the Pawnbroker's book;
- e) a description of the Pledge;
- f) the sum lent on the Pledge;
- g) the rate of interest charged for the sum lent;
- h) the terms of the pawn agreement;
- i) the charge for the pawnticket; and
- j) the charge for storage, if any.

2.26 Every Pawnbroker shall keep up to date during each year a list, arranged alphabetically, of the names of the persons who have pawned Second Hand Goods with the Pawnbroker, and each such list shall be kept for not less than one (1) year after the end of the year during which it was compiled.

2.27 Each Pledge shall be identified by a number that corresponds with the number of the pawnticket and the entry of the transaction in the Pawnbroker's book, and, when the Pledge is redeemed, the Pawnbroker shall record the amount of interest taken and of all other charges and shall keep the record for not less than one (1) year after redemption.

2.28 The Director, Officers and Durham Regional Police Service shall at all times be given access to and may inspect a Pawnbroker's books, papers and Pledges, and when so engaged may have with them such other persons as they consider advisable.

Schedule “L” to By-law 122-2024

Smoke, Tobacco and Vapour Product Shop

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Smoke, Tobacco and Vapour Product Shop licence or for the renewal thereof is subject to the application requirements identified in this Schedule “L”.
- 1.2 Every Applicant for a Smoke, Tobacco and Vapour Product Shop licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
 - a) evidence of a valid Provincial Tobacco Retail Permit pursuant to the Tobacco Tax Act, R.S.O. 1990, c. T.10, as amended; and
 - b) in the case of a Specialty Vape Store, evidence of a valid Specialty Vape Store Registration issued by the Health Department.
- 1.3 The Director may refuse to accept an Applicant’s application for a Smoke, Tobacco and Vapour Product Shop licence if the Applicant fails to submit the required forms and information in accordance with section 1.2 of this Schedule “L”.

2. Conditions and Regulations

- 2.1 Every Smoke, Tobacco and Vapour Product Shop Licensee shall, as condition of obtaining and continuing to hold a Smoke, Tobacco and Vapour Product Shop licence, ensure they comply at all times with all applicable City’ by-laws and laws and regulations of the Province of Ontario and Government of Canada including, but not limited to, the following:
 - a) Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3, as amended;
 - b) the Tobacco Tax Act, R.S.O. 1990, c. T.10, as amended; and
 - c) the City’s Zoning By-law 60-94, as amended.

Schedule “M” to By-law 122-2024

Special Event Organizer

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Special Event Organizer licence or for the renewal thereof is subject to the application requirements identified in this Schedule “M”.
- 1.2 Every Applicant for a Special Event Organizer licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director.
- 1.3 All applications under this Schedule “M” must be submitted at least thirty (30) days prior to the event.
- 1.4 No new Special Event Organizer licence shall be issued for a particular location unless:
 - a) peddling is permitted pursuant to the City’s Zoning By-law 60-94, as amended; and
 - b) the Applicant has provided written proof, satisfactory to the Director that they are the property owner of the land at the location or, alternatively, that they have the authority of the property owner and/or manager to operate from the site during the specified time period.
- 1.5 No Special Event Organizer licence is required in the following circumstances:
 - a) industry tradeshow for the purposes of selling goods to companies and not to the general public;
 - b) a Flea Market as defined in the City’s Zoning By-law 60-94; or
 - c) City-organized special events.
- 1.6 The Director may refuse to accept an Applicant’s application for a Special Event Organizer licence if the Applicant fails to submit the required forms and information in accordance with sections 1.2 through 1.4 of this Schedule “M”.

2. Conditions and Regulations

- 2.1 No Special Event Organizer who is licensed to operate at one (1) location shall operate from place to place under the auspices of that licence.
- 2.2 As required by section 6 of this By-law, all Special Event Organizers must carry with them, and have available for display upon request, their written authority to peddle in Oshawa. This authority may be in the form of a Special Event Organizers licence issued by the Director pursuant to this By-law, or the written authorities required to establish an exemption under section 1.5 of this Schedule “M”. Failure to carry this authority or to produce it upon request constitutes offences. In a prosecution for breach of this By-law, the onus of proving an exemption from requirement for a Special Event Organizers licence, as mentioned in section 1.5 of this Schedule “M”, is upon the person claiming the exemption.
- 2.3 Every Special Event Organizers shall maintain at all times and provide to the Director a current updated list of vendors.
- 2.4 Every Special Event Organizers shall immediately notify the Director of the presence of unauthorized Peddlers participating in the special event.

Schedule “N” to By-law 122-2024

Tattoo Parlour

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Tattoo Parlour licence or for the renewal thereof is subject to the application requirements identified in this Schedule “N”.
- 1.2 Every Applicant for a Tattoo Parlour licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director.
- 1.3 The Director may refuse to accept an Applicant’s application for a Tattoo Parlour licence if the Applicant fails to submit the required forms and information in accordance with section 1.2 of this Schedule “N”.

2. Conditions and Regulations

- 2.1 Every Tattoo Parlour Licensee shall, as condition of obtaining and continuing to hold a Tattoo Parlour licence, ensure they comply at all times with all applicable City’ by-laws and laws and regulations of the Province of Ontario and Government of Canada including, but not limited to, the following:
 - a) the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and its regulations, as amended; and
 - b) the City’s Zoning By-law 60-94, as amended.

Schedule "O" to By-law 122-2024

Vehicle Establishment

1. Application

- 1.1 In addition to the application requirements set out in section 3 of this By-law, every Applicant applying for a Vehicle Establishment licence or for the renewal thereof is subject to the application requirements identified in this Schedule "O".
- 1.2 Every Applicant for any class of Vehicle Establishment licence or for the renewal thereof, shall complete the prescribed forms and submit such other information as required by the Director including, but not limited to, the following:
 - a) a plan drawn to scale showing the location and arrangement of the building and waiting areas for which the Vehicle Establishment licence is sought depicting the existing conditions on the street frontage of the site of the garage including the location of trees, poles, hydrants, driveways and the nature of adjoining premises, and showing compliance of the garage or proposed garage with the requirements of this section 1.2.
 - b) the plan set out in section 1.2a) of this Schedule "O" shall also include the following Vehicle Waiting Space requirements, as applicable:
 - i. every Mechanical Car Wash shall provide at least thirty (30) Vehicle Waiting Spaces for the storage of Motor Vehicles, at least twenty (20) of which spaces shall be not more than two (2) Vehicle Waiting Lines;
 - ii. every Stationary Mechanical Car Wash shall provide at least ten (10) Vehicle Waiting Spaces in not more than two (2) Vehicle Waiting Lines at each washing bay; and
 - iii. every Self Car Wash shall provide at least five (5) Vehicle Waiting Spaces at each washing bay;
 - c) except as hereinafter provided, Motor Vehicles in any Vehicle Waiting Line shall be prevented from access to gasoline pumps and other service facilities of the Vehicle Establishment.
 - d) notwithstanding section 1.2b), access to gasoline pumps only may be permitted in Vehicle Waiting Lines provided that the maximum number of Vehicle Waiting Spaces are all located in Vehicle Waiting Lines and all Vehicle Waiting Spaces are located between the entrance to the property and the limit of the gasoline pump island most distant in the Vehicle Waiting Line from the entrance, and in this instance, the required spaces may be located in not more than four (4) Vehicle Waiting Lines;
 - e) Vehicle Waiting Lines shall be provided which comply with following requirements:
 - i. the minimum turning path for waiting lines shall have an external radius of nine metres and fourteen centimetres (9.14m);
 - ii. the Vehicle Waiting Lines shall be reserved for waiting attended Vehicles only and shall not be used for the storage of unattended Motor Vehicles or obstructed in any other way;
 - f) the Vehicle Waiting Lines and the area between the end of the wash rack and the street upon which washed cars exit shall be paved and any other area used for maneuvering Motor Vehicles shall be hard surfaced;
 - g) drainage sufficient to drain the property without causing surface drainage to reach the sidewalk or any part of a street allowance shall be provided;
 - h) lighting of a minimum standard of 0.4 foot candles shall be provided to all parts of the garage including open areas;

- i) to protect adjoining properties and traffic passing on the highways from nuisance and inconvenience caused by the operation of the garage:
 - i. lighting on the garage property shall be so arranged as not to cause full cut-off fixtures which are directed away from windows on other properties; and
 - ii. screening shall be provided between the garage and any adjoining residential property; and
- j) notwithstanding section 1.2a) to the contrary, a Self Car Wash at 293 Dean Avenue shall provide at least three (3) Vehicle Waiting Spaces at each washing bay.

1.3 The Director may refuse to accept an Applicant's application for a Vehicle Sales, Rental, Storage and Service Establishment licence if the Applicant fails to submit the required forms and information in accordance with section 1.2 of this Schedule "O".

Schedule "P" To By-law 122-2024

Rental Housing

1. Application

- 1.1 In addition to other requirements of this By-law, the Director may refuse to accept an application for a licence unless the application is submitted on forms approved by the Director and includes, for each Rental Unit, the following:
- a) the name, municipal address, telephone number of each Landlord;
 - b) the municipal address of the Rental Unit;
 - c) if a Landlord is a corporation, the name, address and telephone number of each director, officer and shareholder;
 - d) if a Landlord is a partnership, the name address and telephone number of each partner;
 - e) the number of Bedrooms;
 - f) a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application;
 - g) at least one (1) of each Landlord's signature or of any duly authorized Landlord's agents that would bind the Landlord; and
 - h) the contact information for a Local Contact who is available to attend to the Rental Unit at all times within a period of no greater than one (1) hour from the time of contact by telephone or email.
- 1.2 In addition to other requirements of this By-law, the Director may refuse to accept an application for a licence that is not accompanied by the following in respect of each Rental Unit:
- a) if a Landlord is a corporation, a copy of
 - i. the Landlord's articles of incorporation; and
 - ii. a corporation profile report issued by the Ontario Ministry of Consumer and Business Services;
 - b) a floor plan of the Rental Unit, including, for each room, its dimensions and its proposed use including each room that is proposed to be used as a Bedroom;
 - c) a signed declaration by the Landlord attesting that the Landlord will maintain the Rental Unit and comply with the City's Lot Maintenance By-law 127-2007, as amended;
 - d) proof of placement of insurance that:
 - i. includes a limit of liability of not less than two million dollars (\$2,000,000) for property damage and bodily injury;
 - ii. identifies the proposed use as residential rental; and
 - iii. requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
 - e) evidence satisfactory to the Director that the Rental Property and its proposed use comply with the Fire Protection and Prevention Act, 1997, S. O. 1997, c. 4 and its regulations, as amended;
 - f) evidence satisfactory to the Director that the Rental Property and its proposed use comply with O. Reg. 164/99: Electrical Safety Code under the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A, as amended;

- g) evidence satisfactory to the Director that the Rental Property and its proposed use comply with the Building Code Act, 1992, S.O. 1992, c. 23 and its regulations, as amended;
- h) evidence satisfactory to the Director that there are no fines or fees owed to the City by any Landlord respecting the Rental Property; and
- i) payment of the licence fee in accordance with the City's Fees and Charges By-law 109-2024.

1.3 In addition to other requirements of this By-law, the Director may refuse to accept an application for a licence where any of the documents required by section 1.2a), and by sections 1.2d), 1.2e), 1.2f) and 1.2g) of this Schedule "P" was issued prior to the sixtieth (60th) day preceding the date on which the application is submitted.

2. Conditions and Regulations

2.1 Subject to section 2.2 of this Schedule "P", this Schedule "P" applies to the Rental Area.

2.2 This Schedule "P" does not apply to:

- a) a "designated housing project" as that term is defined in the Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1, as amended; or
- b) a Rental Unit that is occupied by at least one (1) owner of the Rental Unit as their sole residence and in which no more than two (2) Bedrooms are occupied by Tenants.

2.3 Without limiting section 2.2 of this By-law and subject to section 2.2 of this Schedule "P", no Person shall permit the promotion or advertising of a Rental Unit as being available for occupancy or permit to be offered to any person a right to occupy a Rental Unit except a Rental Unit in respect of which a licence has been issued pursuant to this By-law.

2.4 The term of a Rental Unit licence that is issued by the Director under this Schedule "P" shall be for a period of not more than two (2) years.

2.5 Each licence shall include the following:

- a) the licence number;
- b) the floorplan submitted pursuant to section 1.2b) of this Schedule "P";
- c) the name, address and telephone number of each Landlord;
- d) where a Landlord is a corporation, the name, address and telephone number of each director and each officer of the Landlord; and
- e) where a Landlord is a partnership, the name, address and telephone number of each partner.

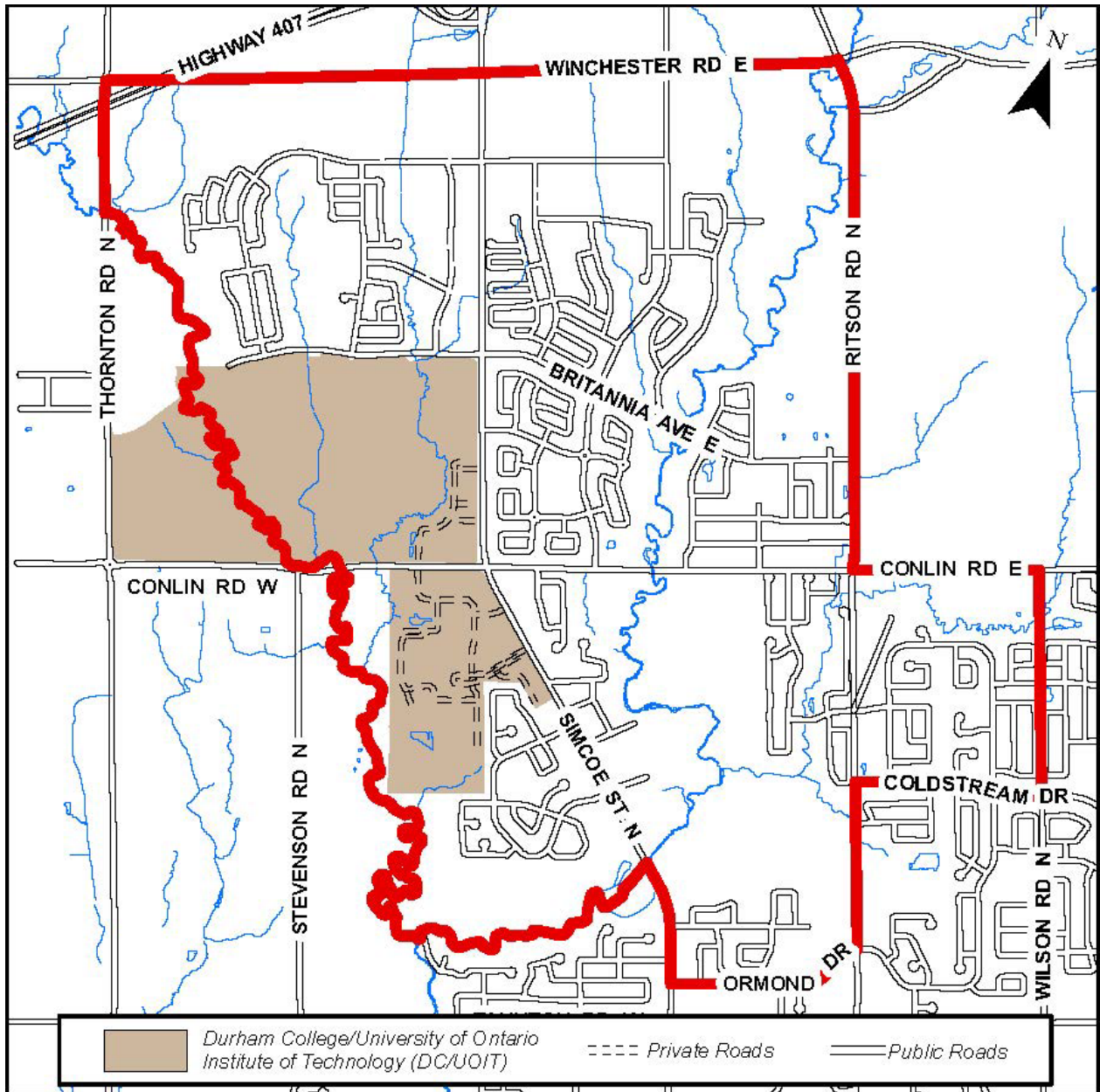
2.6 In addition to other requirements of this By-law, each of the following is a condition as a requirement of continuing to hold a licence in respect of a Rental Unit:

- a) subject to section 2.6b) of this Schedule "P", the number of Bedrooms in the Rental Unit does not exceed four (4);
- b) the number of Bedrooms in a Rental Unit on a Lot within the Rental Area – Simcoe Street Corridor does not exceed five (5);
- c) no more than forty percent (40%) of the Rental Unit's Gross Floor Area - Residential below the average elevation of the finished surface of the ground where it meets the exterior of the Building may be comprised of Bedrooms provided that each such Bedroom must have been constructed in accordance with and must comply with all applicable City by-laws and laws and regulations of the Province of Ontario and Government of Canada;

- d) no room within the Rental Unit is used as a Bedroom except a Bedroom depicted in the licence;
- e) no more than forty percent (40%) of the Gross Floor Area – Residential of the Rental Unit’s ground floor may be comprised of Bedrooms;
- f) each Tenant is a party to a written tenancy agreement with a Landlord;
- g) a Landlord does not directly or indirectly require or cause a Tenant to refuse to consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with this By-law;
- h) a Landlord notifies the Director in writing within two (2) days of any change to any information provided pursuant to sections 1.1 and 1.2 of this Schedule “P”;
- i) a legible copy of the licence and floor plan submitted pursuant to section 1.2b) of this Schedule “P” are posted and maintained prominently and visibly within one (1) metre of the interior of the Rental Unit’s main entrance door;
- j) a Landlord maintains insurance respecting the Rental Unit that:
 - i. includes a limit of liability of not less than two million dollars (\$2,000,000) for property damage and bodily injury;
 - ii. identifies the use as residential rental; and
 - iii. requires that the Director be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation;
- k) the Landlord and the Rental Property comply with all applicable City by-laws and laws and regulations of the Province of Ontario and Government of Canada including, but not limited to:
 - i. the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and its regulations, as amended;
 - ii. the Fire Protection and Prevention Act, 1997, S. O. 1997, c. 4 and its regulations, as amended;
 - iii. O. Reg. 164/99: Electrical Safety Code under the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A, as amended;
 - iv. the Building Code Act, 1992, S.O. 1992, c. 23 and its regulations, as amended;
 - v. the City’s Zoning By-law 60-94, as amended;
 - vi. the City’s Property Standards By-law 1-2002, as amended;
 - vii. the City’s Lot Maintenance By-law 127-2007, as amended;
 - viii. the City’s Winter Access By-law 92-2009, as amended;
 - ix. the City’s Unauthorized Parking By-law 97-2009, as amended; and
 - x. the City’s Waste Collection By-law 90-2024;
- l) no fine, administrative penalty or fee is owed to the City by any Landlord;
- m) the Landlord and the Rental Property comply with the signed declaration submitted pursuant to section 1.2c) of this Schedule “P”; and
- n) the Landlord shall ensure that their Local Contact is available to attend to their affiliate Rental Unit within one (1) hour from the time of contact by telephone or email by any Person at all times.

2.7 Notwithstanding anything in this By-law to the contrary, where a Landlord appeals against or requests a review of a decision concerning a licence related to this Schedule "P", no decision in the appeal or review shall be made unless each owner of a Lot situated within thirty (30) metres of the Rental Property the subject of the appeal or review has been given no fewer than seven (7) days' notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

2.8 Following is the sketch for the purpose of depicting Rental Area as defined in section 1.1 of this By-law.

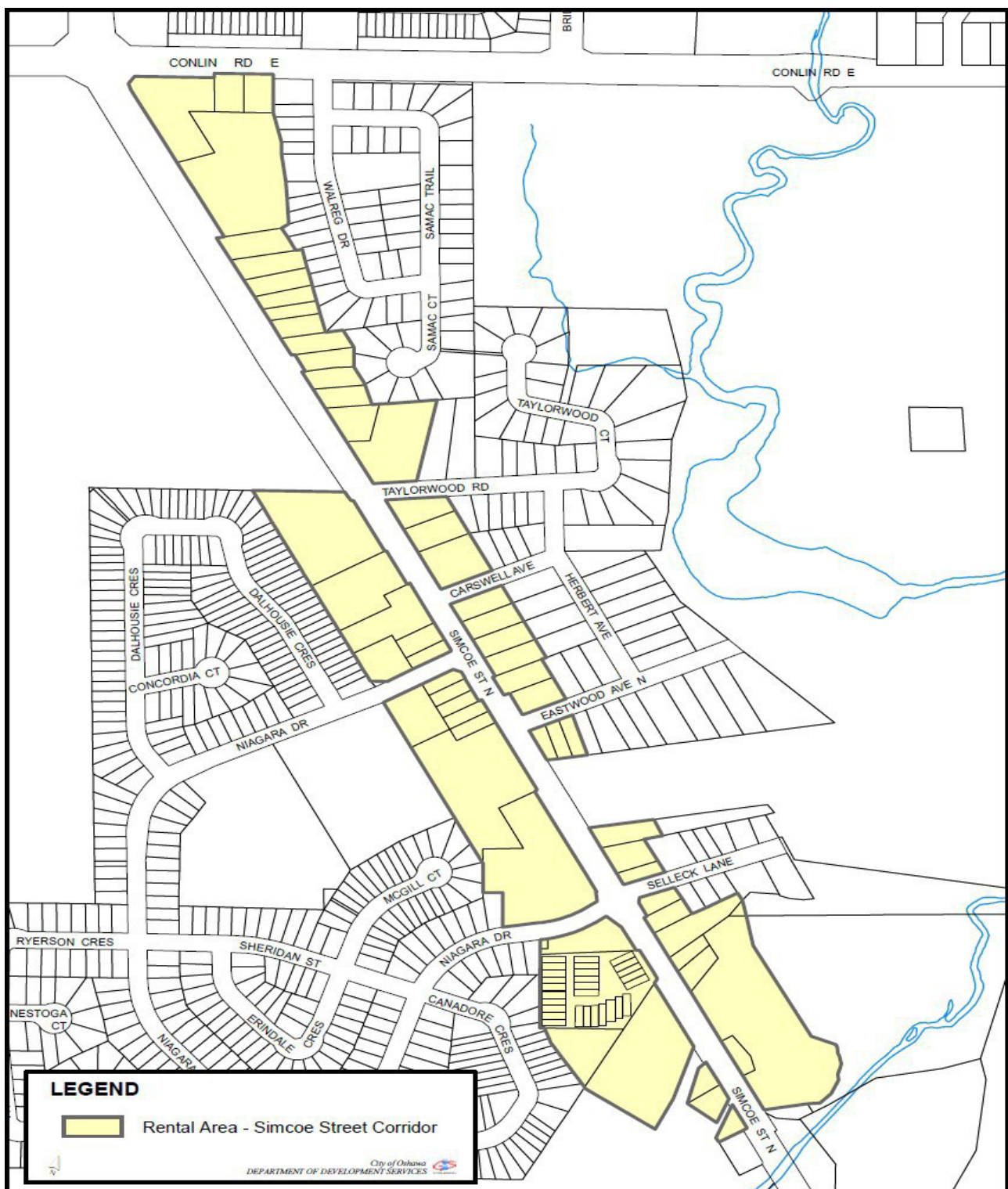


2.9 Following are the roads or parts of roads, property limits, or natural heritage system features for the purpose of defining the boundaries or which fall within the Rental Area:

- a) Winchester Road West, south side, from its intersection with Thornton Road North easterly to its intersection with Simcoe Street North
- b) Winchester Road East, south side, from its intersection with Simcoe Street North easterly to its intersection with Ritson Road North
- c) Ritson Road North, west side, from its intersection with Winchester Road East southerly to its intersection with Conlin Road East
- d) Conlin Road East, south side, from its intersection with Ritson Road North easterly to its intersection at Wilson Road North
- e) Wilson Road North, west side, from its intersection with Conlin Road East southerly to its intersection with Coldstream Drive.
- f) Coldstream Drive, north side, from its intersection with Wilson Road South westerly to its intersection at Ritson Road North.

- g) Ritson Road North, west side, from its intersection with Coldstream Drive southerly to its intersection with Ormond Drive.
- h) Ormond Drive from its intersection with Ritson Road North westerly to its intersection with Largo Crescent.
- i) Along the eastern limit of the property known as 1362 Largo Crescent to the southern limit of the property known as 1406 Largo Crescent.
- j) Northern limit of the property known as 1379 Simcoe Street North.
- k) Simcoe Street North, east side, from the northern limit of the property known municipally as 1379 Simcoe Street North northerly to its intersection with the part of Oshawa Creek south of Niagara Drive.
- l) Oshawa Creek from its intersection with Simcoe Street North westerly and northerly to its intersection with Thornton Road North.
- m) Thornton Road North, east side, from its intersection with the Oshawa Creek northerly to its intersection with Winchester Road East.

2.10 Following is the sketch for the purpose of depicting Rental Area – Simcoe Street Corridor as defined in section 1.1 of this By-law;



Schedule "Q" to By-law 122-2024

Short Term Rentals

1. Application

- 1.1 In addition to all other requirements of this By-law, the Director may refuse to accept an application for an S.T.R. Operator licence unless the application is submitted on forms approved by the Director and includes the following respecting the S.T.R.:
- a) evidence of compliance with the City's Zoning By-law 60-94, as amended (including evidence of principal residence);
 - b) evidence that all property owners are aware of, consent to and authorize the S.T.R. use;
 - c) a floor plan that identifies and describes, minimally:
 - i. all exits;
 - ii. all windows;
 - iii. all rooms, and identifying which bedrooms will be rented; and
 - iv. all spaces and common areas;
 - d) proof of insurance specific to the rental nature of the property that includes a liability limit of no less than two million dollars (\$2,000,000) per occurrence for property damage and bodily injury, and identifies that an S.T.R. is being operated on the property, with the City being added as additional insured. The Applicant shall provide the City with a certificate of insurance in a form acceptable by the City. The insurance coverage required must be endorsed to the effect that the City shall be given at least fifteen (15) days' notice in writing of any cancellation or material variation to the policy;
 - e) the contact information for a Local Contact who is available to attend to the S.T.R. at all times within a period of no greater than one (1) hour from the time of contact by telephone or email; and
 - f) a statement by the Applicant attesting to the accuracy, truthfulness and completeness of the application and other items, including but not limited to, that:
 - i. if the S.T.R. is a condominium unit, the S.T.R. use is permitted by the associated condominium board;
 - ii. the S.T.R. is in compliance with various legislation as required by the City, including, but not limited to, the Building Code Act, 1992, S.O. 1992, c. 23 or any regulations made under it (including O. Reg. 332/12: Building Code); all City by-laws, including the Property Standards By-law 1-2002, as amended, and the Zoning By-law 60-94, as amended; and the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, or any regulations made under it (including O. Reg. 213/07: Fire Code), each as amended;
 - iii. the S.T.R. has and will continue to have working smoke alarms on each level of the S.T.R. and carbon monoxide alarms on all levels where sleeping occurs and that S.T.R. will have instructions in a location approved by the City advising Renters of what to do in the event of an emergency and these instructions will include a copy of the S.T.R. floor plan submitted with the application;
 - iv. if the S.T.R. is being rented by the room, no more than two (2) rooms with a maximum of two (2) occupants in each bedroom will be rented out simultaneously;

- vi. the S.T.R. Operator will provide all Renters with a copy of the Visitor's Code (provided by the City) and shall request that all Renters abide by the Visitor's Code; and
- vii. an acknowledgment that inspections or audits may be required.

2. Conditions and Regulations

2.1 Without limiting section 2.2 of this By-law no Person shall permit the promotion or advertising of an S.T.R. as being available for occupancy or permit to be offered to any Person a right to occupy an S.T.R. except an S.T.R. in respect of which a licence has been issued and maintained in good standing pursuant to this By-law.

2.2 In addition to other requirements of this By-law, each of the following is a condition as a requirement of continuing to hold a licence as an S.T.R. Operator:

- a) S.T.R. Operators must notify the City of any changes to the information provided at the time of licence application or renewal;
- b) advertisements must include a valid City S.T.R. Operator licence number;
- c) insurance respecting the S.T.R. must be maintained that is specific to the rental nature of the property and includes a liability limit of no less than two million dollars (\$2,000,000) per occurrence for property damage and bodily injury, and identifies that an S.T.R. is being operated on the property, with the City being added as additional insured. The Applicant shall provide the City with a certificate of insurance in a form acceptable by the City. The insurance coverage required must be endorsed to the effect that the City shall be given at least fifteen (15) days' notice in writing of any cancellation or material variation to the policy;
- d) City-approved instructions advising Renters of what to do in the event of an emergency must be posted and maintained in a location approved by the City, and include a copy of the floor plan submitted with the application;
- e) if the S.T.R. is being rented by the room, no more than two (2) rooms with a maximum of two (2) occupants in each bedroom will be rented out simultaneously;
- f) smoke alarms and carbon monoxide alarms (in this section, 'alarms') shall be placed and maintains as follows:
 - i. working smoke alarms must be on each level of the S.T.R.;
 - ii. working carbon monoxide alarms must be on all levels of the S.T.R. where sleeping occurs;
 - iii. alarms shall be maintained in good working order;
 - iv. alarms shall be less than ten (10) years old;
 - v. alarms shall be tested annually; and
 - vi. a written record of tests must be kept for a period of six (6) years and available at any time upon request by the City;
- g) S.T.R. Operators must give the Fire Chief, Director or any member of City staff authorized by the Fire Chief or Director, access to the S.T.R. at any reasonable time for the purposes of conducting an inspection to confirm compliance with regulations;
- h) S.T.R. Operators and associated S.T.R.s must ensure compliance with all applicable City by-laws and laws and regulations of the Province of Ontario and Government of Canada including, but not limited to:
 - i. the Health Protection and Promotion Act, 1990, R.S.O. 1990, c. H.7 and its regulations, as amended;
 - ii. the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 and its regulations, as amended;

- iii. the Building Code Act, 1992, S.O. 1992, c. 23 and its regulations, as amended;
 - iv. the City's Zoning By-law 60-94, as amended;
 - v. the City's Property Standards By-law 1-2002, as amended;
 - vi. the City's Lot Maintenance By-law 127-2007, as amended;
 - vii. the City's Noise By-law 112-82, as amended;
 - viii. the City's Nuisance By-law 65-2009, as amended;
 - ix. the City's Winter Access By-law 92-2009, as amended;
 - x. the City's Unauthorized Parking By-law 97-2009, as amended; and
 - xi. the City's Waste Collection By-law 90-2024;
- i) S.T.R. Operators must keep records available for inspection by the City for a period of six (6) years following the date of the transaction (which is the last day of the rental period) and must provide such records to the Director within thirty (30) days of being requested to do so, unless the Director requires the records within twenty-four (24) hours, including but not limited to
- i. the number of nights the S.T.R. was rented;
 - ii. the dates rented;
 - iii. whether the rental was a whole home rental or by-the-room rental;
and
 - iv. confirmation of a Renter's receipt of the Visitor's Code;
- j) S.T.R. Operators must provide each Renter with the Visitor's Code; and
- k) S.T.R. Operators shall ensure that their Local Contact is available to attend to their affiliated S.T.R. within one (1) hour from the time of contact by telephone or email by any Person at all times.