



## Lodging Home Registry By-Law

Be it enacted by the Council of the Town of Antigonish, under the authority of the Nova Scotia Municipal Government Act.

1. This By-law shall be known and cited as “The Lodging Home Registry By-law”.
2. Interpretation
  - a. Unless otherwise defined herein, the definitions contained in the current Building Code Act, Fire Safety Act, Nova Scotia Building Code Regulations, Nova Scotia Building Code and Municipal Government Act, and the Town of Antigonish Land Use By-law also apply to this By-law.
  - b. In this By-law
    - i. “Building Inspector” includes the Town of Antigonish Building Inspector, the Deputy Building Inspector and any other person appointed by Council as a Building Inspector or Acting Building Inspector;
    - ii. “roomer” includes a boarder and is a person residing as a tenant in a lodging home;
    - iii. “dwelling” means a building, occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, a motel, apartment hotel, a travel trailer or a motor home;
    - iv. “dwelling unit” means 1 or more habitable rooms intended for use by 1 or more individuals as an independent and separate housekeeping establishment which contains its own sleeping, living, cooking and sanitary facilities for the exclusive use of such individual(s).
    - v. “lodging home” means a dwelling unit with a set of living quarters containing 5 or more lodging units, which is not open to the travelling public, and which does not include a home for special care;
    - vi. “home for special care” means a nursing home, a home for the aged, a home for persons with disabilities and a residential care facility.
    - vii. “lodging unit” means one or more rooms, provided in return for remuneration, used or designed to be used for sleeping accommodations. Lodging units may contain cooking or sanitary facilities, but not both.

## **Purpose**

The purpose of this By-law is to develop a registry system for all dwellings identified as a lodging homes, as identified and described in the Town of Antigonish Land Use By-law.

## **Authority**

Under Section 174(a) of the Municipal Government Act, a Council may make by-laws respecting the regulation of persons owning and operating rooming houses or boarding houses. For the purposes of this by-law a lodging home is synonymous with a rooming house or boarding house.

## **Lodging Home Registry**

3. The owner of each lodging home in the Town of Antigonish shall register the property with the Town, and no person shall own or operate a lodging home without registering. An owner who owns more than one lodging home shall register each individual building.
4. All properties should be registered within six months of implementation of this by-law.
5. All Lodging Home Registrations shall be obtained from the Town of Antigonish. The application to register a Lodging Home, or an amendment to the records of a registered Lodging Home, shall be made in writing, on such form as may be specified by the Town of Antigonish from time to time, and signed by the person applying. Every application to register a Lodging Home shall contain the following information:
  - a. the name, postal address, phone number and email address of the owner and operator of the lodging home;
  - b. the civic address of the lodging home;
  - c. the year the home was constructed;
  - d. the year the home began operating as a rental accommodation;
  - e. a plan diagram of the floor layout of each storey of the lodging home, identifying the proposed use and dimensions of each habitable and non-habitable room;
  - f. a sworn statement confirming that the lodging home was operating prior to January 2018 and has maintained operations without a continuous break of more than one year;
  - g. the maximum number of roomers for which the Lodging Home seeks to be registered for; and
  - h. a registration fee noted in the *Municipal User Fees Policy*.
6. All information provided in application to the Town of Antigonish Lodging Home by-law must be true and free from errors and omissions.

7. In the event of a change in ownership of a lodging home, the new owner shall notify the Town of Antigonish by submitting a new registration form with the applicable fee within three months of taking ownership of the lodging home.
8. All registered lodging homes will be subject to inspection for conformance with applicable codes, statutes, regulations, and pertinent Town of Antigonish by-laws.

### **Duties and Obligations**

9. All lodging homes must comply with the Town of Antigonish By-laws, along with the Fire Safety Regulations, Nova Scotia Building Code Regulations and the National Building Code.

### **Inspections**

10. Where an inspection is required or conducted pursuant to this By-law:
  - a. the Inspector may enter in or upon land or premises at a reasonable time without a warrant;
  - b. except in an emergency, the Inspector shall not enter a room or place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four (24) hours in advance; and
  - c. where a person refuses to allow the Inspector to exercise, or attempts to interfere or interferes with the Inspector in the exercise of a power granted pursuant to this By-law, the Inspector may apply to a judge of the Supreme Court of Nova Scotia for an Order:
    - i. to allow the Inspector entry to the building; and
    - ii. restraining a person from further interference.

### **Orders by the Inspector**

11. If after an inspection, the Inspector is satisfied that in some respect the building does not conform to the standards prescribed in this By-law, the Inspector:
  - a. shall serve or cause to be served to the owner(s) of the property, an Order to Comply; and,

- b. may at the same time post a copy of such Order to Comply in a prominent place within or on the premises for which it is issued or provide all occupants of the building with a copy.
12. Every Order to Comply shall contain:
  - a. the standards to which the building does not comply;
  - b. the date after which the building will be subject to a re-inspection to confirm compliance with the Order to Comply; and
  - c. the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the re-inspection.
13. Where an Order to Comply has been served upon an owner, and the owner provides the Inspector with a schedule outlining specific time frames within which the work specified in the Order to Comply will be completed, the Inspector may accept or amend the schedule at which time the schedule will become a part of the Order to Comply.
14. An owner may appeal an Order to Comply in writing to the Police and Licensing Committee within fourteen (14) days after the Order to Comply is served.
15. Where an owner fails to comply with the requirements of an Order to Comply within the time specified in the Order to Comply, the Inspector may enter upon the property and carry out the work specified in the Order to Comply. The Town of Antigonish may recover the costs of the repairs through a court order.

### Penalties

16. Every person that commits an offence under this bylaw, upon conviction shall be liable to a penalty of not more than \$2,000 and, in default of payment, to imprisonment for a term not exceeding 30 days.

Date of First Reading: December 16, 2019

Date of Advertisement of Notice of Intent to Consider: January 1, 2020

Date of Second Reading: January 20, 2020

Date of Advertisement of By-law Passage and Approval: January 29, 2020

I certify that this By-law was adopted by Council and published as indicated above.

  
\_\_\_\_\_  
Jeffrey Lawrence  
Chief Administrative Officer

February 5, 2020  
Date



**Lodging Home Owner Information**

Name:

Phone number:

Email address:

Mailing address:

**Property Manager (if different from owner)**

Name:

Phone number:

Email address:

Mailing address:

**Lodging Home Information**

Civic address of lodging home:

Year home was constructed:

Year lodging home began operating as a rental accomodation:

What is the maxium number of bedrooms available for rent?

**Attachments to be enclosed:**

- Provide a plan diagram of the floor layout of each storey of the rooming house, identifying the proposed use and dimensions of each habitable and non-habitable room.
- A sworn statement confirming that the lodging home was operating prior to January 2018 and has maintained operations without a continuous break of more than one year.
- Registration fee of \$200.

All forms and supplemental documents shall be submitted by mail or in person to:

Town of Antigonish  
274 Main Street  
Antigonish, Nova Scotia  
B2G 2C4

Forms submitted via mail shall include a cheque in the amount of the registration fee. Payments associated with forms submitted in person can be made with cheque, or debit. Cheques should be made payable to the Town of Antigonish.