

**RURAL MUNICIPALITY OF GIMLI
BY-LAW 22-0012**

**A BY-LAW TO PROVIDE FOR AN ADMINISTRATIVE PENALTY SCHEME FOR
SHORT TERM RENTALS and ACCOMMODATION TAXES**

WHEREAS section 3(1) of the Municipal By-law Enforcement Act (“the Act”) provides that a municipality may require that administrative penalties be paid in respect of the contravention of its by-laws;

AND WHEREAS Council for the R.M. of Manitoba Gimli deems it advisable in the public interest to provide for an administrative penalty scheme as an additional means of encouraging compliance with its by-laws;

NOW THEREFORE Council of the R.M. of Manitoba enacts as follows:

PURPOSE AND INTERPRETATION

1. The purpose of this by-law is to establish an administrative penalty scheme for the enforcement of by-law contraventions and an adjudication scheme to review screening officer decisions.
2. This by-law contains the following Schedules:
 - Schedule A: By-law contraventions that may be dealt with by a penalty notice under the Act.
 - Schedule B: Forms of penalty notices for by-law contraventions.
 - Schedule C: Form of final notice.

BY-LAW CONTRAVENTIONS AND PENALTIES

3. The by-law contraventions described in Schedule A are hereby designated as by-law contraventions that may be dealt with by a penalty notice.
4. The administrative penalties (including discounted amounts) described in Schedule A for each contravention are hereby set.
5. The discounted amount as shown in Schedule A for the by-law contravention to which it relates may be paid as an administrative penalty if:
 - a. payment is made within 14 days after delivery of the penalty notice, and
 - b. no request is made for review by a screening officer.
6. A penalty notice shall be in the form set out in Schedule B.
7. The period within which a person must pay the administrative penalty or request a review by a screening officer is hereby set at 30 days after delivery of the penalty notice.
8. If, at the end of the period for responding to a penalty notice under section 8 of this by-law, a person to whom a penalty notice was delivered has not responded, the Municipality must deliver a final notice to the person in the form of Schedule C. A person to whom a final notice is delivered must, within 30 days after delivery, pay the administrative penalty or request a review by a screening officer.

9. The Municipality must deliver penalty notices and final notices in the manner provided for in sections 9 and 22 of the Act and section 3 of the Municipal By-law Enforcement Regulation, and the date of delivery shall be determined in accordance with those sections. The giving of other notices or documents by the Municipality, a screening officer or an adjudicator is governed by sections 34 to 36 of this by-law. Periods within which affected persons must make payments or request a review or adjudication are determined under section 36 of this by-law.

SCREENING OFFICER

10. Council shall by resolution appoint one or more screening officers.
11. A member of council or of a council committee is not eligible to be appointed as a screening officer.
12. A screening officer who is not an employee of the Municipality must be paid remuneration and expenses.

REVIEW BY SCREENING OFFICER

13. A request for review by a screening officer must be made in the manner set out in the penalty notice. When in writing the request must include a telephone number and/or email address, with an indication of the preferred means of communication with the screening officer to make arrangements for the review.
14. Within 14 days after receiving the request, the screening officer must attempt to contact a person who has requested a review to arrange a mutually convenient date, time and means of reviewing the request. The means of the review may be written submission, on the telephone or in person, at the option of the person who has made the request.
15. If
 - a. the screening officer is unable to contact a person who has requested a review, or
 - b. the person without reasonable cause does not agree to a date and time or means of review,the screening officer must set a date and time for the review in person or by telephone. If the person fails to participate or appear the screening officer must review the penalty notice based on the information provided by the person in the request.
16. If having agreed to a date and time or means of review the person fails to participate in it, the screening officer must review the penalty notice based on the information provided by the person in the request.
17. On a review of a penalty notice, the screening officer may:
 - a. confirm the administrative penalty;
 - b. reduce the amount of the administrative penalty if satisfied that exceptional circumstances exist;
 - c. cancel the penalty notice if, in the screening officer's opinion,
 - i. the contravention did not occur as alleged,
 - ii. the penalty notice does not comply with section 6(2) of the Act, or

18. The screening officer must make a decision in writing within 14 days after the review. After making the decision, the screening officer must give the affected person notice of the decision.
19. If the screening officer confirms or reduces the amount of the administrative penalty, the amount is due and payable within 14 days after receipt (or deemed receipt under section 35 of this by-law) of the decision of the screening officer, unless the person requests adjudication under section 27 of this by-law.

ADJUDICATION SCHEME

20. An adjudication scheme described in sections 14 to 21 of the Act is hereby established to allow a person to whom a penalty notice has been issued to:
 - a. request a review of a screening officer's decision to confirm or reduce the administrative penalty set out in the penalty notice;
21. Within 14 days after receipt (or deemed receipt under section 35 of this by-law) of the screening officer's decision, the person may request a review of the screening officer's decision by an adjudicator by notice in writing to the screening officer mailed or delivered to the municipal office accompanied by a \$25 adjudication fee.
22. Upon receipt of a request for adjudication and the payment of the adjudication fee, the screening officer must submit the request to the chief adjudicator appointed under the Act.
23. The selected adjudicator must attempt to contact a person who has requested a review to arrange a mutually convenient date, time and means of reviewing the request. The person may be heard
 - a. by telephone or in writing, including by fax or e-mail; or
 - b. through the use of a video or audio link or other available electronic means.
24. If
 - a. the adjudicator is unable to contact a person who has requested a review,
 - b. the person without reasonable cause does not agree to a date and time or means of hearing, or
 - c. the person fails to appear or otherwise participate in the hearing,the adjudicator must order that the amount of the administrative penalty set by the screening officer is immediately due and payable to the Municipality.
25. In addition to the powers of the adjudicator in making a decision set out in section 19(2) of the Act, the adjudicator may cancel the penalty notice on the grounds set out in section 17 of this bylaw and may reduce the amount of the administrative penalty if satisfied that exceptional circumstances exist, in which case the reduced penalty is immediately due and payable to the Municipality.

CHIEF ADMINISTRATIVE OFFICER'S AUTHORITY

26. The Chief Administrative Officer is authorized to do the following:
 - a. pay invoices
 - i. of the screening officer for remuneration and expenses;

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- ii. for the costs and administration of the adjudication scheme under section 21(1) of the Act;
- iii. for the remuneration and expenses of adjudicators;
- b. refund an adjudication fee ordered to be refunded by an adjudicator.
- c. issue a certificate in respect of an unpaid penalty under section 23(1) of the Act and file the certificate in the Court of King's Bench.

DISCLOSURE OF INFORMATION

27. Upon receipt of an adjudicator's decision, the Chief Administrative Officer must make the decision available to the public.

NOTICES AND TIME PERIODS

28. Where a notice or other document (other than a penalty or final notice) referred to in this by-law is required to be given to a person (other than to the Municipality), the notice or other document may be given
- a. by delivering it personally to the person;
 - b. by mailing a copy by regular mail or delivering a copy
 - i. to the last known address of the person named in the penalty notice; or
 - c. if the person is a corporation,
 - i. by mailing a copy by regular mail to the corporation's registered office;
 - ii. by mailing a copy by regular mail or delivering a copy to an officer or director of the corporation;
 - iii. by delivering it personally to someone who appears to be in charge at a place where the corporation carries on business; or
 - d. if the person has used e-mail in communication, by sending it to the e-mail address provided by or shown in the communication from the person.
29. A notice or other document given under section 34 that is
- a. delivered personally is deemed to have been given or delivered on the day it was delivered;
 - b. mailed is deemed to have been given or delivered to the person seven days after the day it was mailed;
 - c. sent by email is deemed to have been given or delivered two days after the day it was sent.
30. In determining the time within which a person must make a payment or request review or adjudication,
- a. the time does not include the first day of the period;
 - b. a period that would otherwise expire on a holiday is extended to include the next day that is not a holiday;

- c. a period that would otherwise expire on a day when the municipal office is not open is extended to include the next day the municipal office is open.

AMENDMENTS TO OTHER MUNICIPAL BY-LAWS


31. The enforcement and administrative penalty provisions in all other Municipal By-Laws are hereby superseded to the extent necessary to give effect to the provisions of this By-Law.

TRANSITIONAL


32. This by-law shall come into force the day after it is passed.
33. Prosecutions of designated by-law contraventions that were started before this by-law comes into force shall continue under the procedures of the former by-laws.

DONE AND PASSED by Council of the R.M. of Gimli, in open meeting, duly assembled, this 17th day of April 2024.

RURAL MUNICIPALITY OF GIMLI



Mayor



CAO

Read a first time the 28th day of September 2022
Read a second time the 17th day of April 2024
Read a third time the 17th day of April 2024

By-Law Enforcement and Administrative Penalties
SCHEDULE "A"

Short Term Rental (STR) By-law 23-0011	By-Law Section	Administrative Penalty	Discounted Administrative Penalty
Failure to obtain and/or renew annual STR licence	3 to 19	\$1000	\$500
Failure to post licence, egress route, quiet hours at the STR as required by licence and by-law	20, 25, 27	\$500	\$250
Providing false statements on STR declaration for licence or renewal	51	\$500	\$250
Failure of licensee to comply with STR Conditions and Regulations	21 to 33	\$500	\$250
Operation of STR during the period when a licence has been suspended cancelled	38 to 42	\$1000	\$500

Accommodation Tax By-law 23-0012	By-Law Section	Administrative Penalty	Discounted Administrative Penalty
Failure to collect and remit accommodation taxes	3 to 14, 30	\$1000	\$500

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SCHEDULE "B" – Penalty Notice

[Municipal letterhead]

[Date]

[To]

[Address]

Re: PENALTY NOTICE

Violation of Rural Municipality of Gimli By-law No. XX, [name of by-law]

CONTRAVENTION: This Penalty Notice is to inform you that I believe you are in violation of the Rural Municipality of Gimli By-law No. XX as follows: [insert a brief description of the violation and of the section(s) of the By-law violated].

As a result of this violation you are subject to the following penalty: \$XX

You have until [month, day, year] ("Deadline"), to **EITHER:**

1. Pay the penalty of \$XX; **OR**
2. Request a review by a screening officer.

EARLY PAYMENT DISCOUNT: The penalty amount will be reduced to \$XX if paid in full on or before [month, day, year]. Otherwise, you must pay the full penalty amount.

PAYMENT: Payments can be made by: cash, debit, cheque/money order or online banking, please note that notifications of electronic payments and payments made at financial institutions can take up to 4 days to be received by the Municipality.

E-Transfers are accepted; you can send your e-transfer to gimli@rmgimli.com. Please send a separate **email with the password to accept for the e-transfer** otherwise your payment will not be accepted.

Credit cards are accepted through the website at www.gimli.ca. Please be advised that the fees to have this option are being charged to the payee, the Municipality does not receive any of the fee money.

REQUEST FOR REVIEW: A request for review by a screening officer must be made by [set out how the request for a review may be made]. If you request a review, the screening officer will review the circumstances that resulted in this Penalty Notice, as well as the information you and the by-law enforcement officer provide. After the review, the screening officer may confirm or reduce the penalty amount or cancel the Penalty Notice.

FAILURE TO RESPOND: If you have not paid the penalty or requested a review by the Deadline, the Municipality will, after final notice to you, take proceedings against you to collect the penalty amount.

By-law Enforcement Officer



SCHEDULE "C" – Final Notice

[Municipal letterhead]

[Date]

[To]

[Address]

Re: FINAL NOTICE

Violation of Rural Municipality of Gimli By-law No. XX, [name of by-law]

CONTRAVENTION: This Final Notice is issued to you that as a result of your failure to comply with the Penalty Notice issued to you for violation of the Rural Municipality of Gimli By-law No. XX [insert a brief description of the violation and of the section(s) of the By-law violated].

As a result, you have until [month, day, year] ("Deadline") to **EITHER:**

1. Pay the penalty of \$XX; **OR**
2. Request a review by a screening officer.

PAYMENT: Payments can be made by: cash, debit, cheque/money order or online banking, please note that notifications of electronic payments and payments made at financial institutions can take up to 4 days to be received by the Municipality.

E-Transfers are accepted; you can send your e-transfer to gimli@rmgimli.com. Please send a separate **email with the password to accept for the e-transfer** otherwise your payment will not be accepted.

Credit cards are accepted through the website at www.gimli.ca. Please be advised that the fees to have this option are being charged to the payee, the Municipality does not receive any of the fee money.

REQUEST FOR REVIEW: A request for review by a screening officer must be made by [set out how the request for a review may be made]. If you request a review, the screening officer will review the circumstances that resulted in the Penalty Notice, as well as the information you and the by-law enforcement officer provide. After the review, the screening officer may confirm or reduce the penalty amount or cancel the Penalty Notice.

FAILURE TO RESPOND: If you have not paid the penalty or requested a review by the Deadline, the penalty amount will be due and payable immediately. Failure to pay will result in the Municipality taking collection proceedings against you to collect the penalty amount.

By-law Enforcement Officer

