

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW NO. 2025-63

A By-law to implement a Municipal Accommodation Tax

WHEREAS Section 400.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, (the "Act") provides that the council of a local municipality may pass by-laws imposing a tax in respect of the purchase of transient accommodation within the municipality;

AND WHEREAS pursuant to Section 400.1 of the Act and the Ontario Regulation 435/17, the Council of The Corporation of the Town of Wasaga Beach wishes to establish the tax rate and to levy a tax on the purchase of transient accommodation within the Town of Wasaga Beach;

AND WHEREAS pursuant to section 400.1 (3) and 400.4 of the Act, Council may establish such enforcement measures as Council considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due;

AND WHEREAS Council wishes to add the arrears of the tax, interest and penalties to the tax roll for the properties in the Town of Wasaga Beach registered in the name of the Provider to be collected in like manner as property taxes and such arrears shall constitute a lien upon the lands, but pursuant to section 400.4(2) of the Act, such lien shall not be a priority lien for the purposes of subsections 1 (2.1), (2.2) and (3) of the Act and such lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:

1. For the purposes of this By-law:

"Accommodation" means Lodging, whether in a Hotel, Motel, Lodge, Inn, Bed and Breakfast, Campground, Short-Term Accommodation, or other place or premise providing Lodging, and the right to use Lodging, that is provided for consideration, whether or not the Lodging is actually used.

"Agent" means the person, entity, or third-party organization authorized by the Treasurer to administer and collect the MAT, should the Town choose to do so under the authority of this By-law.

"Bed and Breakfast" shall have a corresponding meaning as indicated in the Town's Zoning By-law, as amended.

“Campground” means a property or part thereof that is used or intended to be used for the temporary accommodation of persons in tents, trailers, recreational vehicles, cabins, or similar structures, whether or not such facilities are supplied with individual water, sanitary, or electrical services, and whether operated with or without common washroom, laundry, or recreational facilities, and may include seasonal or transient sites but does not include permanent or year round occupancy by anyone other than the owner or operator of the park , and does not include a Hotel, Motel, or a Short-term Accommodation.

“Clerk” means the Clerk of the Town and/or his/her designate.

"Council" shall mean the Municipal Council of the Corporation of the Town of Wasaga Beach.

"Eligible Tourism Entity" has the meaning given to it in the Ontario Regulation 435/17, as amended.

"Establishment" means the physical location, a building or part of a building that provides Accommodation.

“Hotel” shall have a corresponding meaning as indicated in the Town’s Zoning By-law, as amended.

“Lodge” shall have a corresponding meaning as indicated in the Town’s Zoning By-law, as amended.

“Lodging” includes:

- a) the use of a bedroom, a suite of rooms containing a bedroom, or the use of a bed within a bedroom; and
- b) the use of one or more additional beds or cots in a bedroom or suite.

“Motel” shall have a corresponding meaning as indicated in the Town’s Zoning By-law, as amended.

"Municipal Accommodation Tax" or "MAT" means the tax imposed under this By-law.

“Officer” means a Municipal Law Enforcement Officer, or any other Person appointed by By-law to enforce a Town By-law.

"Owner" means the registered owner(s) of the lands on which the Accommodation premises is located.

"Person" means an individual, a Corporation, a partnership, or an association.

"Provider" means a Person that sells, offers for sale, or otherwise provides Accommodation and in the absence of conclusive evidence to the contrary, the Owner of a property on which Accommodation is provided shall be deemed to be the Provider.

"Purchaser" means a person who purchases Accommodation.

"Purchase Price" means the price for which Accommodation is purchased, and where applicable, any other consideration accepted by the Provider in return for the Accommodation and includes all fees and charges for additional occupants, for provision of additional beds or cots, and unless separately itemized on the invoice, bill or similar document, all fees and surcharges for ancillary services including food, beverages, entertainment, internet usage, telephone usage and similar charges. Purchase Price does not include the goods and services tax imposed by the Government of Canada or by the Province of Ontario.

"Short-Term Accommodation" means the use of a single-family dwelling, that operates or offers a place of temporary residence, Lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period equal to or lesser than thirty (30) consecutive calendar days, throughout all or any part of the calendar year.

"The County" means the Corporation of the County of Simcoe.

"Town" means The Corporation of the Town of Wasaga Beach.

"Treasurer" means the Town's Chief Financial Officer/Treasurer and/or the person appointed by Council from time to time to act in the legal capacity as authorized by the Act, and includes their authorized designate.

2. Application of Municipal Accommodation Tax

- 2.1 Subject to the exemptions provided in Section 3, every Purchaser is liable for the payment of Municipal Accommodation Tax on the purchase of Accommodation in the amount of four percent (4%) of the Purchase Price of Accommodation provided to the Purchaser for a continuous period of thirty (30) days or less, and shall pay such tax at the time of purchasing Accommodation. For greater certainty, the continuous period referred above is not disrupted by the purchase of different rooms, suites, beds or other Lodging in the same Establishment in the course of the continuous period.
- 2.2 Subject to the exemptions provided in Section 3, this By-law shall apply to all Accommodations within the geographic boundaries of the Town.

3. Exemptions

- 3.1 The Municipal Accommodation Tax imposed under this By-law does not apply to Accommodations provided by:
- a. the Crown, any agency of the Crown in right of Ontario or any authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;
 - b. every board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E.2;
 - c. every university and every college of applied arts and technology and post-secondary institution, whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating annual operating grants entitlements from the Crown;
 - d. every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act*, R.S.O. 1990, c. P.40, and every private hospital operated under the authority of a license issued under the *Private Hospitals Act*, R.S.O. 1990, c. P.24;
 - e. every long-term care home as defined in subsection 2(1) of the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1;
 - f. any retirement home as defined in subsection 2(1) the *Retirement Homes Act, 2010*, S.O. 2010, c. 11;
 - g. any home for special care as defined in section 1 of the *Homes for Special Care Act, 1990*, R.S.O. 1990, c. H.12;
 - h. any hospice occupying land for which there is an exemption from taxation determined in accordance with section 23.1 of Ontario Regulation 282/98 made under the *Assessment Act*;
 - i. any Person or entity as prescribed by regulation under the Act as exempt from payment of Municipal Accommodation Tax;
 - j. any eligible recipient of provincial aid under the *Ministry of Community and Social Services Act*, R.S.O. 1990, c. M.20; or
 - k. Lodging provided:

- i. in a house of refuge or lodging for the reformation of offenders;
- ii. by charitable or not-for-profit corporations, or by the Town or County or their respective contractors or agents, for the purpose of providing or operating a shelter or emergency shelter, or for the benefit of persons who are fleeing situations of physical, financial, emotional or psychological abuse; or for other persons who are suffering from homelessness; or
- iii. by an employer to its employees on a premises operated by the employer.

- I. Accommodations which have been booked or in respect of which a contract entered into between the Purchaser and Provider, whether or not the Purchase Price or any portion thereof has been paid, on a day that is before the date this By-law comes into force and takes effect.

4. Collection and Remittance

- 4.1 Every Provider shall collect the MAT from every Purchaser at the time the Accommodation is purchased.
- 4.2 Every Provider shall include in every receipt, invoice, or similar document issued by the Provider in respect of the Accommodation a separate item or charge identified as "Municipal Accommodation Tax" for the amount of the MAT imposed on the Purchase Price.
- 4.3 A Provider shall, on or before the last day of the month following the end of each quarter (i.e., April 30, July 31, October 31, and January 31) remit to the Town, or its Agent, the amount of the MAT collected for the previous quarter and submit the quarterly statements on the MAT Remittance Form prescribed by the Town, detailing the quantity of Accommodation sold, the Purchase Price of each Accommodation, the amount of MAT collected, and any other information as may be required by the Town for the purpose of administering and enforcing this By-law.
- 4.4 When a due date referred to in Section 4.3 above falls on a Saturday, a Sunday, or a public holiday recognized by the Canada Revenue Agency, the payment is considered on time if received on the next business day.
- 4.5 Should a Provider not provide proper accounts, records and documentation, then the MAT owing will be based on the Accommodation's full occupancy and will be collected as per Section 4.3.
- 4.6 The Town may enter into agreements with designated collection agents who will collect the MAT from the Providers as agents for the Town and who will administer the tax and remit to the Town.

- 4.7 The Treasurer and/or Clerk are delegated authority to enter into agreements with designated collection agents.
- 4.8 The collection agent(s) must keep all records of collection for a period of not less than seven (7) years.

5. Interest

- 5.1 Interest at a rate of 1.25 per cent each month shall be charged on the amount of the MAT payable or remittable under this By-law for the non-payment or non-remittance of MAT by a Provider, calculated from the first day of default to and including the date on which the MAT is paid or remitted in full. The amount due shall be based on full occupancy of the Establishment, unless the actual amount of the MAT owing can be determined by the Town, in which case, interest will be charged on the actual amount of the MAT imposed.

6. Liens and Recovery of MAT

- 6.1 Any MAT, including penalties and interest, that is past due shall be deemed to be in arrears and may be added to the tax roll for the property in respect of which Accommodation is provided, and thereafter may be collected in the same manner as municipal property taxes.
- 6.2 Any MAT, including penalties and interest, in arrears shall constitute a lien upon the lands in respect of which Accommodation is provided, and the Treasurer may and is hereby authorized to register a lien on any real property on which Accommodation has been provided and for which MAT remains owing. Notwithstanding the foregoing, any such lien shall not be a priority lien for the purposes of subsection 1(2.1), (2.2) and (3) of the Act and such lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances.
- 6.3 Upon any default of payment of an amount payable or remittable under this By-law, in addition to any other remedies, the Treasurer may and is hereby authorized to bring an action for the recover of any MAT, including interest and penalties, in any court in which a debt of money demand of a similar amount may be collected and every such action shall be brought and executed in and by the name of the Town.
- 6.4 The Treasurer may and is hereby authorized to refer the collection of any MAT payable or remittable under this By-law to a bailiff or collection agency.

- 6.5 The use of any remedy by the Town for the recovery of MAT, including interest and penalties, does not bar or affect any other remedy, and the remedies provided in this By-law for the recovery and enforcement of MAT are in addition to any other remedies existing at law, and no action or other proceeding in any way prejudices, limits or affects any lien, charge or priority existing under this By-law in favour of the Town.

7. Audit and Inspection

- 7.1 Every Provider shall keep books of account, records, and documents in respect of Accommodations sufficient to furnish the Town, or its Agent, with the necessary particulars of sales of Accommodations, amount of MAT collected and remitted.
- 7.2 Every Provider shall retain the documents and records required under section 7.1 for a period of no less than seven (7) years.
- 7.3 Any person authorized by the Town for any purpose related to the administration or enforcement of this By-law may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are or should be kept and:
- a. audit or examine the books and records and any account, voucher, letter, facsimile, electronic or other document that relates or may relate to the information that is or should be in the books or records or to an amount payable or remittable under this By-law;
 - b. require a Person who is liable or possibly liable to pay or remit MAT under this By-law, or an officer, director, agent or representative of that Person or any Person on the premises:
 - i. to give them all reasonable assistance with their audit or examination;
 - ii. to answer all questions relating to the audit or examination either orally or, if they require, in writing, on oath or by statutory declaration; and
 - iii. to attend at the premises or place for the purpose of giving reasonable assistance and answering questions relating to the audit or examination; and
 - c. remove documents or things relevant to the audit or examination for the purpose of making copies or extracts, and promptly returning the same, together with a receipt, after the copy or extract has been made.

- 7.4 The Treasurer may, for any purpose relating to the administration or enforcement of this By-law, serve on any Person personally, by electronic communication, registered mail or by courier, a written demand for information or for the production on oath or otherwise books, letters, accounts, invoices, financial statements, electronic and such other documents as the Treasurer considers necessary to determine compliance with this By-law.
- 7.5 A Person in receipt of a demand made pursuant to Section 7.4 shall comply with the demand within the time specified therein, or such other time as the Treasurer may accept.
- 7.6 No Person shall hinder, interfere with, or obstruct the Town or its officers, employees or agents from doing anything that is authorized by this Section 7 to be done, nor prevent or attempt to prevent the Town or its officers, employees or agents doing any such thing, and every Person shall, unless the Person is unable to do so, do everything the Person is required by this Section 8 to do.
- 7.7 Where the Treasurer determines as a result of an audit or examination of a Provider's records that MAT which accrued within a period of four (4) years prior to the date of the audit or examination, was not reported and paid by that Provider in accordance with this By-law, the Treasurer may make a determination of the amount of MAT properly payable for that period, adjust the Town records appropriately to reflect the adjustment, and:
- a. notify the Provider in writing:
 - i. of the period for which MAT was adjusted;
 - ii. of the basis for the adjustment;
 - iii. of the amount of MAT actually paid and the amount payable for the period of adjustment;
 - iv. of the amount now owing to the Town or overpaid to the Town; and
 - v. where applicable, that payment of any amount owing to the Town is due within 15 days of the date of the notice.
 - b. in the event that an audit reveals an overpayment of MAT, the Treasurer will provide a refund of the amount of MAT overpaid, provided that no interest shall be paid on the amount of the overpayment.

8. Administrative Penalties

- 8.1 AMPS By-law – Non-Parking being By-law 2025-18, as amended, applied to this By-law. Every Person or Owner who contravenes a provision of this By-law shall, upon issuance of a penalty notice be and is liable to pay the Town an Administrative Monetary Penalty.

9. Other Penalties

- 9.1 Every Person who contravenes any provision of this By-law, and any director or officer of a corporation who knowingly concurs in the contravention, is guilty of an offence and, in addition to being liable for payment or remittance of any MAT, including interest and penalties, is liable to a fine and such other penalties as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. 33, as amended, and the Act as follows:
- a. A Person who is convicted of an offence under this By-law is liable, for each date or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 as provided for in paragraph 429(3) 2. of the Act.
 - b. Where a Person has been convicted of an offence under this By-law, the court in which the conviction is entered, or any court of competent jurisdiction thereafter, may, in addition to any penalty imposed on the Person convicted, issue an order prohibiting the continuation of the or repetition of the offence by the person convicted.

10. Refunds

- 10.1 Where a person has paid or remitted an amount that is not payable under this By-law, the municipality may, upon receipt of satisfactory evidence, make determination that the amount was wrongly paid or remitted, and if such a determination is made, the Town shall refund or credit all or part of the amount, but no refund shall be made unless an application for such refund is made within 24 months after the payment date.
- 10.2 Where a person has, in accordance with this By-law, applied for a refund under this By-law and the person's claim is in whole or in part denied, the Town shall deliver to such person by mail, a statement as such and the statement shall specify the denied amount and the reasons.

11. Delegation of Authority

- 11.1 The Clerk, Treasurer, and/or designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with another person or entity as agent for the Town, providing for the

implementation and collection of the Municipal Accommodation Tax, all in a form satisfactory to the Town's Solicitor.

- 11.2 Once Council designates the Eligible Tourism Entity, the Clerk, Treasurer, and/or designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with the Eligible Tourism Entity that receives an amount of the MAT respecting reasonable financial accountability matters in order to ensure that amount paid to the entity is used for the exclusive purpose of promoting tourism, and the agreements may provide for other matters, all in a form satisfactory to the Town's Solicitor.
- 11.3 The Treasurer or Clerk or designate, shall be responsible for the administration of this By-law, including but not limited to approvals, enforcement, collection, and for instructing the Town's Solicitor to take such legal action as may be considered appropriate.
- 11.4 The Treasurer may approve the use and format of forms for any purpose under this By-law, and such form may require such information to be furnished as the Treasurer may require for the proper administration and enforcement of this By-law.

12. Validity

- 12.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

13. Commencement

- 13.1 This By-law shall come into force and take effect on the 1st of January 2026.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27th DAY OF NOVEMBER, 2025.

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Brian Smith, Mayor

Nicole Rubli, Clerk