

## **Schedule 19 to City of Guelph By-law Number (2009)-18855 [Added by By-law (2022)-20670]**

### **Payday Loan Establishment**

The provisions of this Schedule shall apply in respect of Businesses which operate as Payday Loan Establishments

### **Interpretation**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
  - a) "Chartered Bank Annual Consumer Loan Rate" means the most recent chartered bank – consumer loan rate set out in Table 176-0043 of the Bank of Canada Financial Market Statistics.
  - b) "Payday Loans Act, 2008" means the *Payday Loans Act, 2008*, S.O. 2008, c.9. as amended, and includes any Regulations passed under it.
  - c) "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, 2009* may operate a business pursuant to a licence issued under that Act.
  - d) "Provincial Payday Loan Licence" means a lender or broker licence issued under the *Payday Loans Act, 2008*.

### **General Conditions**

2. No Person shall act as a lender or loan broker as defined in the *Payday Loans Act, 2008* without a valid Provincial Loan Licence and a valid Business Licence issued under this Schedule.
3. No Person shall own or operate a Payday Loan Establishment without a valid Provincial Payday Loan Licence and Business Licence under this Schedule.

### **Application Requirements**

4. Before a Business Licence under this Schedule may be issued, in addition to complying with the requirements set out in this Schedule, every Applicant for such Business Licence shall submit the following for an approval of the Issuer of Licences:
  - a) The name of the owner;
  - b) The address of the proposed location where the owner is seeking to operate a Payday Loan Establishment for which a Business Licence is being sought under this Schedule;
  - c) Proof that the Applicant has a current and valid Provincial Payday Loan Licence;
  - d) Accurate, scale representation of the posters that will be displayed in accordance with sections 13 and 14;
  - e) The credit counselling information that will be given in accordance with section 15 of this Schedule; and
  - f) Criminal Record and Judicial Matters Check; and
  - g) Such other information as may be required by the Issuer of Licences.

### **Licensee Requirements**

5. A Licensee shall:

- a) Inform the Issuer of Licences immediately if the Licensee's Provincial Payday Loans Licence is suspended, ceases to be valid, is revoked or expires;
  - b) Only operate at the location authorized by the Business Licence issued under this Schedule.
  - c) Cease operating at a location authorized by a Business Licence issued under this Schedule if the Licensee's Provincial Payday Loans Licence or the Business Licence issued under this Schedule has been suspended, ceases to be valid, is revoked or expires.
6. No Licensee shall advertise their Payday Loan Establishment on City property, including the property of City's Agencies, Boards, and Commissions.

**Location and Number of Licence Restricted**

7. No new Business Licence shall be issued under this Schedule if the proposed location of the Payday Loan Establishment is:
- a) is in a location that is not permitted under the Zoning By-Law;
  - b) located within 1,000 meters of another Payday Loan Establishment licenced under this Schedule; or
  - c) located within 150 meters of any schools of all types (arts, commercial, elementary, post-secondary, private, public, secondary, and post-secondary) and City parks.
8. No new Payday Loan Establishment shall be issued a Business Licence for a location listed in section 12.
9. No more than six (6) Payday Loan Establishment Business Licences shall be issued in the City of Guelph.
10. No more than one (1) Payday Loan Establishment Business Licence shall be issued in any ward of the City of Guelph.
11. Despite sections 7, 8, 9 and 10 of this Schedule, any Payday Loan Establishment existing and in actual use on the date this Schedule comes into effect and listed in section 12 may continue to operate in the same location provided:
- a) The operator obtains a Payday Loan Establishment Business Licence by March 31, 2022;
  - b) The Business is operated continuously as a business licenced under the Payday Loans Act 2008;
  - c) The Business is, at all times, operated in compliance with this Schedule and all applicable municipal, provincial and federal laws; and
  - d) The Payday Loan Establishment Business Licence is renewed annually as required by this Schedule.
12. The Payday Loan Establishments existing on the date this Schedule comes into effect are at the following locations and are eligible to be licenced under this Schedule:
- a) 78 Gordon Street, Guelph;
  - b) 221 Woodlawn Road West, Unit B7, Guelph;
  - c) 206 Silvercreek Parkway North, Unit 1, Guelph;
  - d) 474 Woodlawn Road East, Guelph;

- e) 106 Silvercreek Parkway North, Unit 5, Guelph;
- f) 650 Scottsdale Drive, Unit 4; Guelph, and
- g) 130 Silvercreek Parkway North, Guelph.

### **Poster for Rates**

13. Every Payday Loan Establishment shall display a poster at each of the offices authorized by its Provincial Payday Loan Licence that:
- a) has been approved in advance by the Issuer of Licences;
  - b) is in English;
  - c) is visible to any person immediately upon entering the office;
  - d) is of minimum size of 61 centimeters in width by 91 centimeters in length; and
  - e) consists of:
    - i. in 144 point font, a heading setting out the words "Our Annual Interest Rate" and the amount of the Payday Loan Establishment's annual interest rate, which may be shown on a replaceable card attached to the face of the poster or by any other similar means, immediately below the heading;
    - ii. in 144 point font, a heading setting out the words "Chartered Bank – annual Consumer Loan Rate" and the Chartered Bank Annual Consumer loan rate, which may be shown on a replaceable card attached to the face of the poster, immediately below the heading; and
    - iii. in 34 point font and below 13(e)(i) and 13(e)(ii) the words "This Poster is required under Schedule 19 of the City of Guelph's By-Law No. (2009)-18855, being a By-law respecting the licencing of Businesses."

### **Poster for Credit Counselling**

14. Every Payday Loan Establishment shall display a poster at each of the offices authorized by its Provincial Payday Loan Licence that:
- a) has been approved in advance by the Issuer of Licences;
  - b) is in English;
  - c) is visible to any person immediately upon entering the office;
  - d) is of a minimum size of 61 centimeters in width by 91 centimeters in length; and
  - e) consists of:
    - i. in 144 point font, a heading setting out the words "Credit Counselling";
    - ii. in 144 point font, a heading setting out the word "Contact" followed by one or more of the following credit counselling agencies:
      - 1. Credit Counselling Canada;
      - 2. Canadian Association of Credit Counselling Services;
      - 3. Ontario Association of Credit Counselling Services;
      - 4. Canadian Association of Independent Credit Counselling Agencies;together with their respective telephone number and email

address; and

- iii. in 34 point font and below 14(e)(i) and 14(e)(ii) the words "This poster is required under Schedule 19 of the City of Guelph's By-Law No. (2009)-18855, being a By-law respecting the licencing of Businesses."

### **Credit Counselling Information**

15. Every Payday Loan Establishment shall ensure that each person who attends at its offices, is given, immediately upon such person expressing an interest in a loan, credit counselling information that has been approved in advance by the Issuer of Licences.