



## **PLEASE NOTE**

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this Act, current to May 20, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the [Queen's Printer](#) for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [Table of Public Acts](#).

If you find any errors or omissions in this consolidation, please notify the Legislative Counsel Office at (902) 368-4291.

## CHAPTER T-3.3

### TOURISM INDUSTRY ACT

<b>1. In this Act</b>	Definitions
(a) “Act” means the <i>Tourism Industry Act</i> R.S.P.E.I. 1988, Cap. T-3.3;	Act
(a.1) “Department” means the Department of Tourism;	Department
(b) repealed by 1994, c.26, s.2;	inn
(c) repealed by 1994, c.26, s.2;	Innkeeper
(d) repealed by 2004,c.49,s.1;	inspector
(e) “license” means a license issued pursuant to this Act;	license
(f) “Minister” means the Minister of the Crown charged by the Lieutenant Governor in Council with the administration of this Act;	Minister
(g) repealed by 2004,c.49,s.1;	peace officer
(h) “regulations” means regulations made pursuant to this Act by the Lieutenant Governor in Council;	regulations
(i) “tourism establishment” means an establishment that provides temporary accommodation for a guest for a continuous period of less than one month, and includes a building, structure or place in which accommodation or lodging, with or without food, is furnished for a price to travellers, such as a cabin, cottage, housekeeping unit, hotel, lodge, motel, inn, bed and breakfast establishment, resort, travel trailer, travel trailer park, recreational vehicle park, houseboat, camping cabin and campground;	tourism establishment
(j) “tourism operator” means the operator of a tourism establishment;	tourism operator
(k) “tourism standards officer” means a tourism standards officer appointed under subsection 1.4(1). R.S.P.E.I. 1974, Cap. I-4, s.1; 1994, c.26, s.2; 1997(2nd), c.73,s.1; 2004,c.49,s.1.	tourism standards officer
<b>1.1</b> The objects of this Act are	Objects
(a) to encourage and promote improved standards of tourist establishments and facilities, attractions and services offered to tourists; and	
(b) to facilitate closer cooperation between government and participants in the tourism industry in marketing Prince Edward Island tourism products. 1994, c.26, s.3.	

Tourism Advisory Council	<b>1.2.</b> The Minister shall appoint a Tourism Advisory Council to advise the Minister on tourism research, tourism product development and tourism marketing strategies to promote and enhance Prince Edward Island's reputation as a premier tourism destination. 1994, c.26, s.3; 2004,c.49,s.2.
Administration	<b>1.3.</b> The Minister shall administer and enforce this Act and the regulations. 1994, c.26, s.3; 2004,c.49,s.3.
Tourism standards officer	<b>1.4</b> (1) The Minister may appoint (a) an employee of the Department; or (b) any person with whom the Minister has entered into a contract under subsection (2), or any individual employed by such a person, as a tourism standards officer for the purposes of this Act and the regulations.
Contract for services	(2) The Minister may enter into a contract with any person (a) to act as a tourism standards officer under this Act and the regulations; or (b) to provide the services of individuals employed by that person as tourism standards officers.
Identification card	(3) A copy of an identification card purporting to be signed by the Minister is proof that the individual named therein is a tourism standards officer.
Obstruction	(4) No person shall obstruct or assault a tourism standards officer while the tourism standards officer is exercising his or her authority or performing a duty under this Act or the regulations.
Inspection	(5) For the purpose of enforcing this Act and the regulations, a tourism standards officer may, at any reasonable time, (a) enter the premises of any tourism establishment; and (b) inspect the premises and the register of any tourism establishment. 2004,c.49,s.3.
Operating an tourist establishment without a license	<b>2.</b> (1) No tourism operator shall carry on the business of conducting, operating, maintaining or managing a tourist establishment unless there is in respect of the tourist establishment a license issued by the Minister pursuant to this Act that is in full force and effect.
Application for a license	(2) Every tourism operator shall annually on or before a date to be fixed by regulation, apply to the Minister for a license; and the application and license shall be in such form and shall contain such particulars as shall be prescribed by regulation.

(3) Upon receipt of an application for a license pursuant to this Act and upon payment of the prescribed fee, the Minister shall issue a license to the tourism operator when in the discretion of the Minister the tourism operator meets the requirements of this Act, the regulations and the laws of the province incidental to the operating, maintaining or managing of a tourist establishment.

Issuance of license

(4) A license issued by the Minister pursuant to this Act shall be in full force and effect from April 1 of one year to March 31 of the year next ensuing, or in the event an application is made to the Minister for a license to commence on a date after April 1, the license shall have full force and effect from the date of issuance to March 31 next ensuing.

Effective dates of license

(5) In the event of the transfer by way of lease, sale or otherwise of a tourist establishment, a license issued in respect of that tourist establishment shall terminate on the date of such transfer. R.S.P.E.I. 1974, Cap. I-4, s.2; 1994, c.26, s.4.

Transfer of tourist establishment; effect on license

**2.1** (1) Without prejudice to section 2, the Minister may establish a tariff of fees and impose a charge, at such rate or amount as may be prescribed, upon tourism operators and also upon the operators of the following tourism related businesses, namely, restaurants, lounges, golf courses, attractions and craft shops.

Tourism business tariff

(2) The charge imposed under subsection (1) shall be paid into a separate fund to be known as the Tourism Marketing Fund and used for the purpose of marketing tourism.

Payment into separate fund

(3) The Minister may appoint a manager of the Fund who shall be responsible for the collection of charges and the disbursement of monies out of the Fund.

Manager

(4) Where a tourism operator or the operator of a tourism related business referred to in subsection (1) fails or refuses to pay the charge imposed thereby, the operator shall be denied access to any government services and any license issued by a government authority in respect of that business shall be revoked. 1994, c.26, s.5.

Penalty

**3.** (1) The Minister may so often as he may consider advisable, either before or after the issuance of a license, direct a tourism standards officer to conduct an inspection of a tourist establishment and for the purpose of the inspection, the tourism standards officer may without prior notice to the tourism operator, enter and inspect the tourist establishment and do all such things as the Minister may consider necessary to determine whether the tourist establishment meets the requirements of this Act, the regulations and such other laws of the province as may be incidental to

Inspection of tourist establishments

the conducting, operating, maintaining or managing of a tourist establishment.

Tourism standards report

(2) After completing an inspection of a tourism establishment pursuant to subsection (1), a tourism standards officer shall

(a) prepare a tourism standards report in accordance with the regulations; and

(b) provide, within such time as the Minister may direct, a copy of the tourism standards report to the Minister and to the tourism operator of the tourism establishment.

Termination or suspension of a license

(3) In the event a tourism standards report recommends the termination or suspension of a license issued pursuant to this Act, the Minister may terminate or suspend the license, or the Minister may, if in his opinion the failure of the tourism operator to comply with this Act, the regulations or the laws of the province can be remedied within fifteen days, order the tourism operator to remedy the non-compliance with this Act, the regulations or the laws of the province; in the event the tourism operator fails to comply with the order, the Minister may order the termination or suspension of the license.

Appeal from decision of Minister to terminate

(4) A tourism operator may appeal a decision to terminate or suspend a license made by the Minister pursuant to subsection (3) and the appeal shall be made to an arbitration board which shall be composed of three persons appointed by the Minister.

Termination order effective until

(5) In the event of an appeal pursuant to subsection (4), a termination or suspension ordered by the Minister pursuant to subsection (3) remains in full force and effect until otherwise ordered by the arbitration board.

Arbitration board, procedures before

(6) An arbitration board established pursuant to subsection (4), shall hear the tourism operator and the tourism standards officer and shall review all such matters relating to the tourism standards report and contents thereof as it considers necessary and upon the conclusion of the hearing, the arbitration board shall forthwith notify the Minister and the tourism operator of its decision in respect of the appeal and the decision of the arbitration board shall be final and binding on the parties to the appeal and no appeal lies therefrom. R.S.P.E.I. 1974, Cap. I-4, s.3; 1994, c.26, s.6; 2004,c.49,s.4.

Closing of part of tourist establishment

4. (1) Where a tourism standards report recommends that a failure to comply with the Act, the regulations or the laws of the province by an tourism operator is limited to, or applies only to, one part of the tourist establishment, and that the failure to comply can be remedied within fifteen days, the Minister may order the closing of that part of the tourist

establishment to which the failure to comply is limited, or applies for a period not exceeding fifteen days.

(2) If upon the expiration of the fifteen days from the date of the closing, the failure to comply has not been remedied, the Minister may pursuant to section 3 terminate or suspend a license issued to the tourism operator pursuant to this Act. R.S.P.E.I. 1974, Cap. I-4, s.4; 2004,c.49,s.5. *Idem*

5. The Minister may, where a tourist establishment is operated or managed without a subsisting license issued pursuant to this Act, close the tourist establishment by such means as may be necessary to prevent the conduct of business therein, and such means of closing the tourist establishment shall remain affixed to the tourist establishment until the Minister issues a license in relation to the tourist establishment pursuant to this Act. R.S.P.E.I. 1974, Cap. I-4, s.5. *Operating a tourist establishment without a license, Minister may close*

6. (1) Every tourism operator of a licensed tourism establishment shall ensure that a register is maintained for the tourism establishment and that, for every person who rents a rental unit or site at the tourism establishment, there is entered in the register *Register — duty of operator*

- (a) the name and address of the person;
- (b) the number and type of the rental units or sites rented by the person;
- (c) the motor vehicle license number of the person, if the person is travelling by motor vehicle;
- (d) the number of people in the travel party, if the person is sharing the rental units or sites rented; and
- (e) such other information respecting the person as may be required by the regulations.

(2) The tourism operator of a tourism establishment shall ensure that an occupancy return for the tourism establishment is prepared and is submitted to the Department each month, in accordance with the regulations. *Occupancy returns — duty of operator*

(3) No tourism operator or manager of a tourism establishment shall knowingly enter a false statement, or knowingly permit such a statement to be entered, in the register of, or on an occupancy return for, the tourism establishment. *Entry of false statement*

- (4) No person shall, when registering in a tourism establishment,
- (a) represent himself or herself as bearing a name other than his or her own name; or
  - (b) make any false statement as to his or her place of residence. *False name, residence*

Termination of license	(5) The Minister may terminate a license issued to a tourism operator in respect of a tourism establishment if, in the opinion of the Minister, <ul style="list-style-type: none"> <li>(a) the tourism operator has failed to comply with subsection (1),(2) or (3); or</li> <li>(b) the manager of the tourism establishment has failed to comply with subsection (3).</li> </ul>
Notice	(6) Where the Minister terminates the license of a tourism operator under subsection (5), the Minister shall provide a written notice, together with the reasons for the termination, to the tourism operator.
Appeal of termination	(7) Subsections 3(4) to (6) apply, with such changes as are necessary, in respect of the termination of a license under this section. R.S.P.E.I. 1974, Cap. I-4, s.6; 2004,c.49,s.6.
Refusal of accommodation	<b>7.</b> (1) An tourism operator has the right to refuse accommodation or lodging to any person.
<i>Idem</i>	(2) Any person who is registered at a tourist establishment pursuant to section 6 or any person who is in the tourist establishment with or without invitation and who acts in any way that may endanger the reputation of the tourist establishment or that may disturb the comfort of the guests at the tourist establishment may be ejected by the tourism operator or by a peace officer.
Exception	(3) Notwithstanding subsections (1) and (2) an tourism operator shall not contravene or otherwise fail to comply with the <i>Human Rights Act</i> R.S.P.E.I. 1988, Cap. H-12. R.S.P.E.I. 1974, Cap. I-4, s.7.
Lien on baggage	<b>8.</b> (1) Every tourism operator has a lien on the baggage and property of every person registered at his tourist establishment for the value or price of any accommodation furnished to such person or on his account.
Lien subject to <i>Personal Property Security Act</i> security	(1.1) A lien on baggage and property arising under subsection (1) as a result of the furnishing of food or accommodation is subordinate to the interest in that baggage and property of any person who has registered before the food or accommodation was furnished, a financing statement or other notice in relation to that interest, pursuant to the <i>Personal Property Security Act</i> R.S.P.E.I. 1988, Cap. P-3.1.
Sale of baggage or property by tourism operator	(2) In addition to all other remedies provided by law, the tourism operator shall have the right in case the same remains unpaid for three months to sell by public auction the baggage and property of the person so registered at the tourist establishment on giving one weeks notice of the intended sale by advertisement in a newspaper published in the province.

(3) The advertisement shall state the name of the person so registered, the amount of his indebtedness, time and place of sale and the name of the auctioneer and shall give a description of the baggage or other property to be sold.

Contents of advertisement

(4) The tourism operator shall apply the proceeds of the sale in payment of the amount due to the tourism operator and the cost of advertising and sale of such baggage or property and shall pay over the surplus, if any, to the person entitled thereto on application being made by such person therefor. R.S.P.E.I. 1974, Cap. I-4, s.8; 1997,c.33, Schedule.

Proceeds of sale

**9.** (1) No tourism operator is liable to make good to his guest any loss of or injury to goods or property brought to his tourist establishment, except in the following cases, that is to say,

Liability of tourism operator to guests

(a) where the goods or property have been stolen, lost, or injured through the wilful act, default, or neglect of the tourism operator or his servants;

(b) where the goods or property have been deposited expressly for safe custody with the tourism operator, except that in case of such deposit the tourism operator may, if he thinks fit, require as a condition of his liability that the goods or property shall be deposited in a box or other receptacle fastened and sealed by the person depositing the same.

(2) Where the vehicle of a guest has been delivered into the custody of the tourism operator or his servant expressly for storage or parking in a place specifically reserved and designated by the tourism operator for the storing or parking of vehicles, the liability of the tourism operator is that of a bailee for reward.

Vehicles of guests

(3) An tourism operator may at any time refuse to act as bailee or custodian of any goods or property of any person whether registered in his tourist establishment or not. R.S.P.E.I. 1974, Cap. I-4, s.9.

Refusal to act, right to

**10.** Repealed by 1994, c.26, s.7.

Liability of tourism operator to be posted  
Regulations

**11.** The Lieutenant Governor in Council may make regulations

(a) respecting the form of any register required to be kept pursuant to the provisions of this Act;

(b) respecting the classification of tourist establishments;

(b.1) adopting national codes or standards for the classification of tourist establishments;

(b.2) prescribing fees for listings in government publications, marketing, licensing, inspection and other services and prescribing a composite fee for more than one of those services;



- (b.3) prescribing fees and the amount or rate of the charge under section 2.1;
- (b.4) defining or redefining any words or expressions used in this Act;
- (c) prescribing the duties and powers of tourism standards officers appointed pursuant to this Act;
- (d) prescribing the minimum standards of equipment, furniture and fixtures in tourist establishments;
- (e) prescribing the minimum space required in respect of living and sleeping accommodations in tourist establishments;
- (f) with respect to the grounds and premises, approaches and parking facilities of tourist establishments;
- (g) for the purpose of requiring the provision and maintenance of a safe and adequate water supply in tourist establishments;
- (h) respecting drainage and sewage system and garbage disposal;
- (I) respecting a standard policy for handling deposits;
- (j) prohibiting any tourist establishment licensed pursuant to this Act from altering upwards the rates advertised by the tourist establishment;
- (k) respecting the form, content and submission of occupancy returns;
- (l) prohibiting the advertising and listing of any tourist establishment which violates the provisions of this Act or the regulations;
- (m) for the better carrying out of the provisions of this Act and for the more efficient and effective administration thereof. R.S.P.E.I. 1974, Cap. I-4, s.11; 1994, c.26, s.8; 2004,c.49,s.7.

Regulations,  
application of

**12.** Regulations approved pursuant to section 11 may be general in their application or may be applicable to any class of tourist establishments. R.S.P.E.I. 1974, Cap. I-4, s.12.

Liability

**13.** The Minister and any tourism standards officer are not personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done in the purported exercise of any powers or performance of any duties under this Act or the regulations. R.S.P.E.I. 1974, Cap. I-4, s.13; 2004,c.49,s.8.

Offences

**14.** (1) Any person who contravenes or violates a provision of this Act or the regulations is guilty of an offence and liable on summary

- (a) in the case of a first offence, to a fine of not less than \$500; and
- (b) in the case of a second or subsequent offence, to a fine of not less than \$1,000 or to imprisonment for a term not exceeding 30 days, or to both.

Continuing offence

(2) Where a contravention or violation of any provision of this Act or the regulations continues for more than one day, the person committing

the offence is guilty of a separate offence for each day that the contravention or violation continues.

(3) No prosecution shall be commenced under this Act more than two Limitation period years after the date on which the offence was committed or is alleged to have been committed.conviction R.S.P.E.I. 1974, Cap. I-4, s.14; 1994, c.26, s.9; 1994, c.58, s.6; 2004,c.49,s.8.