PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

TOURISM INDUSTRY ACT

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This document, prepared by the ***Legislative Counsel Office***, is an office consolidation of this Act, current to November 29, 2024. 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 King'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*** on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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TOURISM INDUSTRY ACT

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TOURISM INDUSTRY ACT

CHAPTER T-3.3

1. Definitions

In this Act

(a) "**Act**" means the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3;

(a.1) "**Department**" means the Department of Fisheries, Tourism, Sport and Culture;

(b) repealed by *1994, c.26, s.2;*

(c) repealed by *1994, c.26, s.2;*

(d) repealed by *2004,c.49,s.1;*

(e) "**license**" means a license issued pursuant to this Act;

(f) "**Minister**" means the Minister of the Crown charged by the Lieutenant Governor in Council with the administration of this Act;

(f.1) "**platform operator**" means a person who facilitates or brokers reservations for the rental of tourism establishments in the province by means of the Internet and who receives payment, compensation or any other financial benefit in connection with the making or completing of a reservation of a tourism establishment by a person, but does not include a tourism operator;

(g) repealed by *2004,c.49,s.1;*

(h) "**regulations**" means regulations made pursuant to this Act by the Lieutenant Governor in Council;

(h.1) "**tourism compliance officer**" means a tourism compliance officer appointed under subsection 1.5(1);

(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 offered for a price to travellers, such as a cabin, cottage, housekeeping unit, hotel, lodge, motel, inn, hostel, bed and breakfast establishment, resort, travel trailer, travel trailer park, recreational vehicle park, houseboat, unique lodgings, camping cabin and campground;

(j) "**tourism operator**" means the registered owner of a tourism establishment;

(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; 2006,c.24,s.1; 2010,c.31,s.3; 2015,c.28,s.3; 2019,c.1,s.3; 2019,c.41,s.1; 2023,c.20,s.2; 2024,c.79,s.1.*

1.1 Objects

The objects of this Act are

(a) to encourage and promote improved standards of tourism establishments and facilities, attractions and services offered to tourists; and

(b) to facilitate closer cooperation between government and participants in the tourism industry in Prince Edward Island. *1994, c.26, s.3; 2006,c.24,s.2; 2019,c.36,s.1(a).*

1.2. Tourism Advisory Council

Repealed by 2018,c.34,s.1. *1994, c.26, s.3; 2004,c.49,s.2; 2018,c.34,s.1.*

1.3. Administration

(1) The Minister shall administer and enforce this Act and the regulations.

Delegation of authority

(2) The Minister may delegate any of the Minister's powers and duties under this Act to an employee of the Department. *1994, c.26, s.3; 2004,c.49,s.3; 2024,c.79,s.2.*

1.4 Tourism standards officer

(1) For the purposes of this Act and the regulations, the Minister may appoint as a tourism standards officer

(a) an employee of the Department; or

(b) any person with whom the Minister has entered into a contract under subsection (2), or any employee of that person.

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, and without a warrant,

(a) enter the premises of any tourism establishment; and

(b) inspect the premises and the register of any tourism establishment.

Entry

(6) A tourism standards officer shall not enter any part of a tourism establishment that is

(a) a dwelling unit that is rented and actually occupied by a tourist or member of the public; or

(b) a private dwelling-place of the owner or staff member of the tourism establishment

without the consent of the occupier or without a warrant. *2004,c.49,s.3; 2006,c.24,s.3; 2024,c.79,s.3.*

1.5 Tourism compliance officer

(1) The Minister may appoint employees of the Department as tourism compliance officers.

Function

(2) The function of a tourism compliance officer is to enforce the requirements of this Act and the regulations that the Minister may authorize.

Identification

(3) An identification card purporting to be signed by the Minister is proof that the individual named on it is a tourism compliance officer.

Tickets

(4) A tourism compliance officer may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 in respect of a contravention of this Act or the regulations.

Inspection, investigation

(5) For the purposes of enforcing this Act and the regulations, a tourism compliance officer may, at any reasonable time, and without a warrant,

(a) enter the premises of any tourism establishment;

(b) inspect the premises, license and register of any tourism establishment;

(c) monitor compliance with license requirements and occupancy requirements imposed under this Act and the regulations in respect of a tourism establishment; and

(d) conduct an investigation of a tourism establishment in respect of alleged violations of this Act and the regulations.

Tourism compliance report

(6) After completing an investigation of a tourism establishment pursuant to clause (5)(d), a tourism compliance officer shall

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

(b) provide, within the time required by the Minister, a copy of the tourism compliance report to the Minister and to the tourism operator of the tourism establishment.

Entry

(7) A tourism compliance officer shall not enter any part of a tourism establishment that is

(a) a dwelling unit that is rented and actually occupied by a tourist or member of the public; or

(b) a private dwelling-place of the owner or staff member of the tourism establishment

without the consent of the occupier or without a warrant.

Obstruction

(8) No person shall obstruct, impede or assault a tourism compliance officer, or any person assisting a tourism compliance officer, while the tourism compliance officer is exercising the compliance officer's authority or performing a duty under this Act or the regulations, and no person shall aid or assist any person in obstructing, impeding or assaulting a tourism compliance officer.

Liability

(9) A tourism compliance officer or other person employed or engaged in the administration or enforcement of this Act and the regulations, is not liable for any loss or damage suffered by

any person as a result of any act done in good faith or omitted to be done in the course of the administration or enforcement of this Act and the regulations. *2006,c.24,s.4; 2024,c.79,s.4.*

2. Operating a tourism establishment without a license

(1) No tourism operator shall carry on the business of conducting, operating, maintaining, advertising or managing a tourism establishment unless there is in respect of the tourism 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 apply annually to the Minister, in the form required by the Minister, for a license.

Issuance of license

(3) On receipt of an application made in accordance with subsection (2) and on payment of the prescribed fee, the Minister may issue a license to a tourism operator if the Minister is satisfied that the tourism operator meets the requirements of this Act and the regulations.

Other enactments

(3.1) A tourism operator is responsible for compliance with any other applicable enactment, including a municipal bylaw, in respect of the operation of the tourism establishment.

Effective dates of license

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

Transfer of tourism establishment; effect on license

(5) Notwithstanding subsection (4), in the event of the transfer by way of lease, sale or otherwise of a tourism establishment, a license issued in respect of that tourism establishment shall terminate on the date of the transfer.

Unique license number

(6) In addition to the particulars referred to in subsection (2), the license issued by the Minister pursuant to this Act in respect of a tourism establishment shall be identified by and prominently display a unique license number for that tourism establishment.

Providing license number

(7) A tourism operator shall not list or advertise a tourism establishment through a platform operator unless the listing or advertisement includes the valid license number of that tourism establishment. *R.S.P.E.I. 1974, Cap. I-4, s.2; 1994,c.26,s.4; 2006,c.24,s.5; 2019,c.36,s.2; 2019,c.41,s.2; 2024,c.79,s.5.*

2.1 Tourism business tariff

(1) Without prejudice to section 2, the Minister may establish a tariff of fees and impose a charge, at the prescribed rate or amount, upon tourism operators and also upon

(a) operators of restaurants, lounges, golf courses, attractions and craft shops; and

(b) platform operators.

Idem

(2) The charge imposed under subsection (1) shall be used for the purposes of tourism research, development and marketing.

Manager

(3) Repealed by *2006,c.24,s.6.*

Penalty

(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 under that subsection, 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; 2006,c.24,s.6; 2019,c.41,s.3; 2024,c.79,s.6.*

3. Inspection of tourism establishments

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

Report

(2) After completing an inspection of a tourism establishment pursuant to subsection (1), the tourism standards officer or tourism compliance officer, as the case may be, shall

(a) prepare the officer's report of the inspection in accordance with this Act or the regulations, as the case may be; and

(b) provide, within the time required by the Minister, a copy of the 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 or tourism compliance report recommends the termination or suspension of a license issued by the Minister pursuant to this Act in respect of a tourism establishment, the Minister may,

(a) terminate or suspend the license; or

(b) if, in the opinion of the Minister, based on the findings of a tourism standards report or tourism compliance report, the failure of the tourism operator to comply with this Act, the regulations or the laws of the province can be remedied within either 24 hours, 7 days or 15 days, request a tourism standards officer or tourism compliance officer to order the tourism operator to remedy the non-compliance with this Act, the regulations or the laws of the province within either 24 hours, 7 days or 15 days, as the case may be, from the date the order is made.

Order to be in writing and served

(3.1) An order made by a tourism standards officer or tourism compliance officer under subsection (3) shall be in writing and served on the tourism operator either by personal

service or registered mail using a delivery or mail service that provides the tourism standards officer or tourism compliance officer with an acknowledgment of receipt.

Evidence of receipt of order

(3.2) Evidence that an order was delivered or mailed in accordance with subsection (3.1) and that the tourism standards officer or tourism compliance officer received an acknowledgement of its receipt is proof, in the absence of evidence to the contrary, that the order was received by the tourism operator to whom it was addressed.

Termination or suspension of a license

(3.3) In the event the tourism operator fails to comply with an order made by a tourism standards officer or tourism compliance officer under subsection (3), the Minister may terminate or suspend the license of the tourism operator in respect of the tourism establishment.

Revocation of license, health or safety of public at risk

(4) The Minister may, at any time, and without providing prior notice to a tourism operator, revoke the license of a tourism operator in respect of the tourism establishment where the health or safety of the public is deemed at risk by the Minister.

Appeal from decision of Minister to terminate

(5) 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.

Order remains in effect

(6) Where, pursuant to subsection (5), a tourism operator appeals a decision to terminate or suspend the operator's license, the termination or suspension remains in full force and effect until the arbitration board orders otherwise.

Arbitration board, procedures before

(7) An arbitration board established pursuant to subsection (5) shall hear the tourism operator and the tourism standards officer or tourism compliance officer, as the case may be, and shall review all the matters relating to the tourism standards report or tourism compliance report and its contents 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 may not be appealed. *R.S.P.E.I. 1974, Cap. I-4, s.3; 1994, c.26, s.6; 2004,c.49,s.4; 2006,c.24,s.7; 2019,c.36,s.1(b); 2024,c.79,s.7.*

4. Closing of part of tourism establishment

(1) Where a tourism standards report or tourism compliance report recommends that a failure to comply with this Act, the regulations or the laws of the province by a tourism operator is limited to, or applies only to, one part of the tourism establishment, and that the failure to comply can be remedied within fifteen days, the Minister may order the closing of that part of the tourism establishment to which the failure to comply is limited, or applies for a period not exceeding fifteen days.

Idem

(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; 2006,c.24,s.8.*

5. Operating a tourism establishment without a license, Minister may close

The Minister may, where a tourism establishment is operated or managed without a subsisting license issued pursuant to this Act, close the tourism establishment by such means as may be necessary to prevent the conduct of business therein, and publish notice of the establishment's closure in print and electronic media, and such means of closing the tourism establishment shall remain affixed to the tourism establishment until the Minister issues a license in relation to the tourism establishment pursuant to this Act. *R.S.P.E.I. 1974, Cap. I-4, s.5; 2006,c.24,s.9.*

6. Register - duty of operator

(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

(a) the name and address of the person;

(b) the number and type of the rental units or sites rented by the person; and

(c) other information respecting the person required by the regulations.

Occupancy returns - duty of operator

(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.

License to be paid in full in advance

(2.1) Repealed by 2024,c.79,s.8(2).

Entry of false statement

(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.

False name, residence

(4) No person shall, when registering in a tourism establishment,

(a) register under a name other than the person's own name; or

(b) make a false statement as to the person's place of 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,

(a) the tourism operator has failed to comply with subsection (1),(2), (2.1) or (3); or

(b) the health or safety of the public is at risk.

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; 2006,c.24,s.10; 2024,c.79,s.8.*

6.1 Registration required

(1) No person shall carry on the business of a platform operator unless the person has first registered under this Act as a platform operator by submitting to the Minister the information required by the Minister, in the manner required by the Minister.

Agreement

(2) The Minister may enter into an agreement with a platform operator, in the form approved by the Minister, for the provision of information on a quarterly basis respecting the platform operator's transactions referred to in subsection 6.2(1).

Information to be provided

(3) An agreement referred to in subsection (2) shall specify the information to be provided by the platform operator and any other matters the Minister considers advisable and, at a minimum, shall require the platform operator to provide

(a) the address and license number of each tourism establishment in the province listed or advertised on the platform;

(b) the name and contact information of each person who operates a tourism establishment referred to in clause (a);

(c) the platform operator's classification of each tourism establishment referred to in clause (a); and

(d) any other information specified in the regulations.

Information sharing

(4) The Minister may share information acquired by the Minister pursuant to an agreement under this section with a municipality or another Minister for the purpose of

(a) achieving the objects of this or another Act; or

(b) facilitating the application or enforcement of a municipal bylaw, resolution, order or agreement.

Nature of information

(5) For greater certainty, the information to be provided pursuant to an agreement under this section may relate to additional matters, or go into more detail, or both, than the content of the records that the platform operator is required to keep under subsection 6.2(1), but shall not include the personal information of any guest or occupant of a tourism establishment in identifiable form.

Personal information

(6) For the purposes of subsection (5), "**personal information**" means personal information as that term is defined in the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01. *2019,c.41,s.4; 2024,c.79,s.9.*

6.2 Platform operators

(1) A platform operator who lists or advertises, or facilitates the listing or advertising, of tourism establishments in the province shall keep a record of each concluded transaction in relation to a tourism establishment listed or advertised on its platform for seven years following the last day of the rental period for that tourism establishment, and shall make the records available to a tourism compliance officer on request.

Removal of listing

(2) A platform operator shall remove a listing for a tourism establishment from the platform within seven days of notification by the Department that the listed tourism establishment lacks a valid license number or the license number associated with that tourism establishment is invalid, suspended, expired or has been revoked.

Relisting, conditions

(3) Where a listing for a tourism establishment has been removed pursuant to subsection (2), the platform operator shall not post the listing again without a valid license number, as confirmed by the Department.

Content of records

(4) The records required to be retained under subsection (1) include

(a) the name, address and registration number, if applicable, of the tourism operator;

(b) the number of nights for which the tourism establishment was rented;

(c) the nightly and total price charged for the rental; and

(d) any other information specified in the regulations. *2019,c.41,s.4; 2024,c.79,s.10.*

7. Refusal of accommodation

(1) An tourism operator has the right to refuse accommodation or lodging to any person.

Idem

(2) Any person who is registered at a tourism establishment pursuant to section 6 or any person who is in the tourism establishment with or without invitation and who acts in any way that may endanger the reputation of the tourism establishment or that may disturb the comfort of the guests at the tourism establishment may be ejected by the tourism operator or by a peace officer.

Exception

(3) Notwithstanding subsections (1) and (2), a tourism operator shall not contravene or otherwise fail to comply with the *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12. *R.S.P.E.I. 1974, Cap. I-4, s.7; 2019,c.36,s.3.*

8. Lien on baggage

Repealed by 2024,c.79,s.11.

Subsections (1.1) to (4) are repealed by *2006,c.24,s.11. R.S.P.E.I. 1974, Cap. I-4, s.8; 1997,c.33, Schedule; 2006,c.24,s.11; 2024,c.79,s.11.*

9. Liability of tourism operator to guests

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

(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.

Vehicles of guests

(2) Where the vehicle of a guest has been delivered into the custody of the tourism operator or an employee of the tourism operator 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.

Refusal to act, right to

(3) A tourism operator may at any time refuse to act as bailee or custodian of any goods or property of any person whether registered in the tourism operator's establishment or not. *R.S.P.E.I. 1974, Cap. I-4, s.9; 2019,c.36,s.1(c); 2024,c.79,s.12.*

10. Liability of tourism operator to be posted

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

11. Regulations

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 tourism establishments;

(b.1) adopting national codes or standards for the classification and rating of tourism establishments, including the Canada Select Accommodation Rating Program;

(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;

(b.5) respecting the registration of platform operators;

(b.6) prescribing additional information to be provided by a platform operator pursuant to an agreement under section 6.1;

(b.7) prescribing any additional information that is required to be recorded and retained by platform operators under section 6.2;

(c) prescribing the functions and powers of tourism standards officers and tourism compliance officers who are appointed under this Act;

(d) prescribing the minimum standards of equipment, furniture and fixtures in tourism establishments;

(e) repealed by 2024,c.79,s.13;

(f) with respect to the grounds and premises, approaches and parking facilities of tourism establishments;

(g) for the purpose of requiring the provision and maintenance of a safe and adequate water supply in tourism establishments;

(h) respecting drainage and sewage system and garbage disposal;

(i) prescribing the standards and requirements in respect of accessibility for any type of tourism establishment;

(j) prescribing the standards and requirements for special event, overflow and wilderness camping licenses;

(k) respecting the form, content and submission of occupancy returns;

(l) prohibiting the advertising and listing of any tourism establishment which violates the provisions of this Act or the regulations;

(l.1) authorizing the Minister to exempt a tourism operator from compliance with a specified provision of the regulations for a specified period of time;

(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; 2006,c.24,s.12; 2019,c.36,s.1(d),4; 2019,c.41,s.5; 2024,c.79,s.13.*

12. Regulations, application of

Regulations approved pursuant to section 11 may be general in their application or may be applicable to any class of tourism establishments. *R.S.P.E.I. 1974, Cap. I-4, s.12; 2019,c.36,s.1(e).*

13. Liability

The Minister and any tourism standards officer or tourism compliance 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; 2006,c.24,s.13.*

14. Offences

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

(a) in the case of a first offence, to a fine of not less than $1,000; and

(b) in the case of a second or subsequent offence, to a fine of not less than $2,000 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.

Limitation period

(3) No prosecution shall be commenced under this Act more than two years after the date on which the offence was committed or is alleged to have been committed. *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; 2006,c.24,s.14.*