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1st SESSION, 66th GENERAL ASSEMBLY
Province of Prince Edward Island
68 ELIZABETH II, 2019

(Bill No. 111)

An Act to Amend the Tourism Industry Act

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PRIVATE MEMBER'S BILL

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**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

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AMENDMENTS

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TITLE: An Act to Amend the Tourism Industry Act

#	SECTION	AMENDMENT	DATE

NOTED:

COMMITTEE CLERK

CERTIFIED CORRECT:

CHAIR, IN COMMITTEE



AN ACT TO AMEND THE TOURISM INDUSTRY ACT

BILL NO. 111

2019

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 1 of the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3, is amended by the addition of the following after clause (f):

(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;

2. Section 2 of the Act is amended by the addition of the following after subsection (5):

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.

3. Subsection 2.1(1) of the Act is amended by the deletion of the words “the operators of the following tourism related businesses, namely, restaurants, lounges, golf courses, attractions and craft shops” and the substitution of the following:

- (a) operators of restaurants, lounges, golf courses, attractions and craft shops; and
- (b) platform operators.

4. The Act is amended by the addition of the following after section 6:

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 in the manner set out in the regulations.

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.

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.

Content of records

- (2) 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.
- 5. Section 11 of the Act is amended by the addition of the following after clause (b.4):**
- (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;
- 6. (1) Subject to subsection (2) this Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**
- (2) Sections 1 to 3 of this Act come into force on April 1, 2020.**

EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3, to add a new definition of “platform operator” for the purposes of the following amendments.

SECTION 2 amends section 2 of the Act to add two new subsections. Subsection 2(6) requires each license for a tourism establishment to be identified by and display a unique number, in addition to any other particulars related to the license. Subsection 2(7) prohibits a tourism operator from listing or advertising a tourism establishment through a platform operator unless the listing or advertisement includes the valid license number of that tourism establishment.

SECTION 3 amends subsection 2.1(1) of the Act to add platform operators to the list of operators under that subsection who may be subject to a tariff of fees under the Act.

SECTION 4 amends the Act by adding new sections 6.1 and 6.2. Section 6.1 requires platform operators to be registered, and authorizes the Minister to enter into agreements with platform operators in order to acquire information about the operators’ activities. The agreement would specify the information to be provided, which is not limited to the records the operator is required to keep under section 6.2, but personal information in identifiable form is excluded. Section 6.2 regulates the activities of platform operators. Platform operators are required to record the specified information for each concluded transaction in relation to a tourism establishment for seven years following the last day of the rental period, and make the records available to a tourism compliance officer on request.

SECTION 5 amends section 11 of the Act to add regulation-making powers relating to the registration of platform operators, the information they are required to provide to the Minister pursuant to an agreement under the new section 6.1 and the information they are required to record and keep under the new section 6.2.

SECTION 6 provides for the commencement of the Act.



(Bill No. 111)

An Act to Amend the Tourism Industry Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 12, 2019
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Colin LaVie, Speaker

Joseph Jeffrey, Clerk

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PRIVATE MEMBER'S BILL

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1st SESSION, 66th GENERAL ASSEMBLY