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**CHAIR:**

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1st SESSION, 67th GENERAL ASSEMBLY  
Province of Prince Edward Island  
2 CHARLES III, 2024

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**(Bill No. 48)**

**An Act to Amend the Tourism Industry Act**

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Hon. Cory Deagle  
Minister of Fisheries, Tourism, Sport and Culture

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GOVERNMENT BILL

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Andrea MacRae  
Acting King's Printer  
Charlottetown, Prince Edward Island





## AN ACT TO AMEND THE TOURISM INDUSTRY ACT

**BILL NO. 48**

**2024**

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

- 1. Clause 1(i) of the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3, is amended**
  - (a) by the deletion of the word “furnished” and the substitution of the word “offered”; and**
  - (b) by the addition of the words “unique lodgings,” after the words “houseboat.”**
  
- 2. (1) Section 1.3 of the Act is amended by renumbering it as subsection 1.3(1).**
  - (2) Section 1.3 of the Act is amended by the addition of the following after subsection (1):**

**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.
  
- 3. Subsection 1.4(1) of the Act is repealed and the following substituted:**
  - 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.
  
- 4. (1) Subsection 1.5(2) of the Act is amended**
  - (a) by the deletion of the word “such” and the substitution of the word “the”; and**
  - (b) by the deletion of the words “as the Minister” and the substitution of the words “that the Minister”.**

- (2) **Subsection 1.5(3) of the Act is amended by the deletion of the word “therein” and the substitution of the words “on it”.**
- (3) **Clause 1.5(5)(c) of the Act is amended by the deletion of the words “, signage”.**
- (4) **Clause 1.5(6)(b) of the Act is amended by the deletion of the words “such time as the Minister may direct” and the substitution of the words “the time required by the Minister”.**
- (5) **Subsection 1.5(8) of the Act is amended by the deletion of the words “his or her” and the substitution of the words “the compliance officer’s”.**
5. (1) **Subsection 2(1) of the Act is amended by the addition of the words “, advertising” after the word “maintaining”.**
- (2) **Subsection 2(2) of the Act is amended by the deletion of the words “annually on or before a date to be fixed by regulation, apply” and the substitution of the words “apply annually”.**
- (3) **Subsection 2(4) of the Act is amended by the deletion of the words “March 31 of one year to March 30 of the next year” and the substitution of the words “April 1 of one year to March 31 of the next year”.**
- (4) **Subsection 2(5) of the Act is amended by the deletion of the word “such” and the substitution of the word “the”.**
6. (1) **Subsection 2.1(1) of the Act is amended by the deletion of the words “at such rate or amount as may be prescribed” and the substitution of the words “at the prescribed rate or amount”.**
- (2) **Subsection 2.1(4) of the Act is amended by the deletion of the words “the charge imposed thereby” and the substitution of the words “the charge imposed under that subsection”.**
7. (1) **Subsection 3(1) of the Act is amended**
- (a) **by the deletion of the words “or the Minister’s designate may so often as he or she may consider advisable” and the substitution of the words “may when the Minister considers advisable”;**
- (b) **by the deletion of the words “direct a tourism standards officer” and the substitution of the words “direct a tourism standards officer or a tourism compliance officer”;** **and**
- (c) **by the deletion of the words “or the Minister’s designate”.**
- (2) **Subsection 3(2) of the Act is repealed and the following substituted:**
- 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.

**(3) Subsection 3(6) of the Act is repealed and the following substituted:**

**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.

**(4) Subsection 3(7) of the Act is amended**

- (a) by the deletion of the word "such" and the substitution of the word "the";
- (b) by the deletion of the words "contents thereof" and the substitution of the words "its contents"; and
- (c) by the deletion of the words "and no appeal lies therefrom" and the substitution of the words "and may not be appealed".

**8. (1) Subsection 6(1) of the Act is repealed and the following substituted:**

**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.

**(2) Subsection 6(2.1) of the Act is repealed.**

**(3) Subsection 6(4) of the Act is repealed and the following substituted:**

**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.

**9. Subsection 6.1(1) of the Act is amended by the deletion of the words "in the manner set out in the regulations" and the substitution of the words "as a platform operator by submitting to the Minister the information required by the Minister, in the manner required by the Minister".**

**10. (1) Subsection 6.2(2) of the Act is amended by renumbering it as subsection (4).**

**(2) Section 6.2 of the Act is amended by the addition of the following after subsection (1):**

**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.

**11. Section 8 of the Act is repealed.**

**12. (1) Subsection 9(2) of the Act is amended by the deletion of the words “his servant” and the substitution of the words “an employee of the tourism operator”.**

**(2) Subsection 9(3) of the Act is amended**

- (a) **by the deletion of the words “An tourism operator” and the substitution of the words “A tourism operator”; and**
- (b) **by the deletion of the words “his tourism” and the substitution of the words “the tourism operator’s”.**

**13. Section 11 of the Act is amended**

- (a) **by the repeal of clause (e); and**
- (b) **in clause (j), by the deletion of the words “camping permits” and the substitution of the words “, overflow and wilderness camping licenses”.**

## EXPLANATORY NOTES

**SECTION 1** amends clause 1(i) of the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3, by substituting the word “offered” for the word “furnished” and by adding “unique lodgings” as a category of tourism establishment.

**SECTION 2** amends section 1.3 of the Act by renumbering it as subsection 1.3(1) and by adding a new subsection (2) that authorizes the Minister to delegate the Minister’s powers and duties under the Act to an employee of the Department.

**SECTION 3** repeals subsection 1.4(1) of the Act and substitutes a new subsection 1.4(1) to clarify the appointment process for tourism standards officers.

**SECTION 4** amends subsections 1.5(2), (3) and (8) and clause 1.5(6)(b) of the Act to update the wording and eliminate gendered language. The section also amends clause 1.5(5)(c) of the Act to remove a reference there to signage.

**SECTION 5** amends subsection 2(1) of the Act to include advertising a tourism establishment as an activity that requires a tourism establishment license. The section also amends subsection 2(2) of the Act to simplify the annual application requirement for the license, and subsection 2(4) to correct an error in the effective dates. The section also amends subsection 2(5) of the Act to update the wording.

**SECTION 6** amends subsections 2.1(1) and (4) of the Act to update the wording.

**SECTION 7** amends subsection 3(1) of the Act to update the wording and to remove unnecessary references to the Minister’s designate. The section also repeals subsection 3(2) of the Act and substitutes a new subsection 3(2) to clarify the reporting requirements following an inspection of a tourism establishment. The section also repeals subsection 3(6) of the Act and substitutes a new subsection 3(6) to clarify the effect of a termination or suspension that is being appealed. The section also amends subsection 3(7) to update the wording.

**SECTION 8** repeals subsection 6(1) of the Act and substitutes a new subsection 6(1) to clarify the responsibility of the tourism operator and update the wording. The section also repeals subsection 6(2.1) of the Act. The section also repeals subsection 6(4) of the Act and substitutes a new subsection 6(4) to update the wording.

**SECTION 9** amends subsection 6.1(1) of the Act to clarify that the registration of a platform operator shall be done in the manner required by the Minister.

**SECTION 10** amends section 6.2 of the Act by renumbering subsection 6.2(2) as subsection 6.2(4) and adding new subsections (2) and (3) in numerical order after subsection (1). The new subsection 6.2(2) requires a platform operator to remove a listing within seven days of being notified by the Department that the tourism establishment in the listing is not properly licensed, as specified. The new subsection 6.2(3) prohibits the platform operator from listing the tourism establishment again without a valid license number as confirmed by the Department.

**SECTION 11** repeals section 8 of the Act.

**SECTION 12** amends subsections 9(2) and (3) to clarify the wording and eliminate gendered language.

**SECTION 13** repeals clause 11(e) of the Act, and amends clause 11(j) of the Act by repealing a reference to “camping permits” and substituting “overflow and wilderness camping licenses” as matters for which the regulations may prescribe standards and requirements.





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(Bill No. 48)

**An Act to Amend the Tourism Industry Act**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	February 27, 2024
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

**SIGNATURES:**

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Honourable Antoinette Perry, Lieutenant Governor

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Honourable Darlene Compton, Speaker

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Joseph Jeffrey, Clerk

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Hon. Cory Deagle  
Minister of Fisheries, Tourism, Sport and Culture

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