



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 127
(2000, chapter 10)

An Act to amend the Tourist Establishments Act

Introduced 11 May 2000
Passage in principle 18 May 2000
Passage 2 June 2000
Assented to 7 June 2000

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EXPLANATORY NOTES

This bill amends the Tourist Establishments Act to revise the rules applicable to the establishments subject to that Act.

The bill replaces the permit the operator of a tourist accommodation establishment is required to hold by a classification certificate issued by the Minister, and removes for other types of establishments the requirement to hold a permit. It defines the rules governing the classification of the establishments that will require the classification certificate.

In addition, the bill provides for penalties for offences against the Act and contains consequential and transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting assistance for tourist development (R.S.Q., chapter A-13.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Tourist Establishments Act (R.S.Q., chapter E-15.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting liquor permits (R.S.Q., chapter P-9.1);
- Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29).

Bill 127

AN ACT TO AMEND THE TOURIST ESTABLISHMENTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The title of the Tourist Establishments Act (R.S.Q., chapter E-15.1) is replaced by “Act respecting tourist accommodation establishments”.

2. Section 1 of the said Act is replaced by the following section :

“**1.** This Act applies to establishments providing accommodation to tourists in return for payment.”

3. Sections 2, 4 and 5 of the said Act are repealed.

4. Section 6 of the said Act, amended by section 126 of chapter 40 of the statutes of 1999, is replaced by the following section :

“**6.** Every person operating a tourist accommodation establishment is required to hold a classification certificate for the establishment.

For that purpose, the person must file with the Minister, according to the conditions prescribed by regulation of the Government, an application for a classification certificate or for the renewal of a classification certificate, accompanied by the document confirming the classification of the establishment.”

5. Section 7 of the said Act is replaced by the following section :

“**7.** The classification of a tourist accommodation establishment is established by the body recognized by the Minister for classification purposes under an agreement setting out the conditions to be complied with and the responsibilities to be assumed by the body.

The body shall, with the approval of the Minister, determine criteria for the classification of tourist accommodation establishments and the costs attached to such classification.

Classification is established on the basis of the classes of tourist accommodation establishments determined by regulation of the Government. The regulation may exempt classes of establishments from certain provisions of this Act.”

6. Section 8 of the said Act is replaced by the following section :

“8. Classification certificates, the form of which is determined by regulation of the Government, shall be issued by the Minister.”

7. Section 9 of the said Act is replaced by the following section :

“9. A classification certificate is valid for a period of 24 months. The Minister may nevertheless fix any other term in the cases determined by regulation of the Government.”

8. Section 11 of the said Act is amended by replacing “, the Consumer Protection Act (chapter P-40.1), the Agricultural Products, Marine Products and Food Act (chapter P-29) or the Dairy Products and Dairy Products Substitutes Act (chapter P-30)” in paragraph 2 by “or the Consumer Protection Act (chapter P-40.1)”.

9. Section 11.1 of the said Act is amended by replacing “, the Consumer Protection Act (chapter P-40.1), the Agricultural Products, Marine Products and Food Act (chapter P-29) or the Dairy Products and Dairy Products Substitutes Act (chapter P-30)” in paragraph 2 by “or the Consumer Protection Act (chapter P-40.1)”.

10. The said Act is amended by inserting the following section after section 14 :

“14.1. The Minister may delegate the exercise of the Minister’s powers under this Act that relate to the issue of classification certificates to any person the Minister designates.”

11. The heading of Division III of the said Act is amended by striking out “CLASSIFICATION AND”.

12. Sections 22 to 29 of the said Act are repealed.

13. Section 30 of the said Act is replaced by the following section :

“30. The classification certificate of a tourist accommodation establishment shall be kept posted conspicuously in such places as are determined by regulation of the Government. The same applies as regards accommodation rates.”

14. Section 32 of the said Act is replaced by the following section :

“32. Only a person authorized by the Minister may display a sign or poster containing the words “tourist information” or any other word or pictogram determined by regulation of the Government, indicating or implying the presence of a tourist information office. The conditions for displaying such signs or pictograms shall be determined by the regulation.

The authorization of the Minister is given in writing and confers the right to use the words and pictograms mentioned therein, according to the conditions provided in the authorization.

The Minister may delegate the exercise of the Minister's powers under this section to any person the Minister designates."

15. Section 36 of the said Act is amended

- (1) by striking out subparagraphs 1 to 15 of the first paragraph;
- (2) by striking out the second and third paragraphs.

16. Section 37 of the said Act is amended

- (1) by replacing "an attestation" in paragraph 2 by "a document";
- (2) by striking out "24," in paragraph 5 and by replacing "under section 36 of this Act; or," by "by the Government,";
- (3) by striking out paragraph 6.

17. Section 38 of the said Act is replaced by the following section :

"38. Every person who operates or purports to operate a tourist accommodation establishment without holding a classification certificate issued under this Act is guilty of an offence.

Every person who contravenes a provision of the first paragraph or of section 32 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine of \$750 to \$2,250, and, in the case of a second or subsequent conviction, to a fine of \$2,250 to \$6,750."

18. Sections 44 and 45 of the said Act are repealed.

19. Section 55 of the said Act is amended by striking out the second paragraph.

20. The said Act is amended by replacing "tourist establishment" by "tourist accommodation establishment" in paragraph 1 of section 33, in the first paragraph of section 34 and in subparagraph 16 of the first paragraph of section 36.

21. The said Act is amended by replacing "permit" and "permits" by "classification certificate" and "classification certificates", respectively, with the necessary modifications, in the following provisions :

- the heading of Division II;
- the heading of subdivision 1 of Division II;

- sections 10, 11, 11.1, 12, 14 and 15;
- paragraphs 3 and 4 of section 37.

22. Any reference to the “Tourist Establishments Act” shall be replaced by a reference to the “Act respecting tourist accommodation establishments”, namely in the following provisions :

- sections 8 and 9 and the second paragraph of section 37 of the Act respecting assistance for tourist development (R.S.Q., chapter A-13.1), amended, in the English text, by section 14 of chapter 40 of the statutes of 1999;

- section 100 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

- the second paragraph of section 13 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);

- paragraph 9 of Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3).

23. Section 29.11 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out “, in accordance with the Act respecting tourist establishments (chapter E-15.1),”.

24. Article 14.9 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out “, in accordance with the Act respecting tourist establishments (chapter E-15.1),”.

25. Section 52 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by striking out the second paragraph.

26. Sections 69 and 236 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and sections 244.11, 244.20, 244.23 and 244.27 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999, are again amended by replacing “permit issued under the Tourist Establishments Act” and “permit under the Tourist Establishments Act” by “classification certificate issued under the Act respecting tourist accommodation establishments”.

27. Section 39 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by replacing “permit issued under the Act respecting tourist establishments” in subparagraph 3 of the first paragraph by “classification certificate issued under the Act respecting tourist accommodation establishments”.

28. Section 76 of the said Act is amended by replacing “tourist establishment for which he is entitled under the Act respecting tourist establishments” in the

first paragraph by “tourist accommodation establishment for which the holder is permitted under the Act respecting tourist accommodation establishments”.

29. Section 32 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by striking out the second paragraph.

30. In any writing or document, whatever its nature or medium, any reference to the Tourist Establishments Act or to one of its provisions is a reference to the Act respecting tourist accommodation establishments or to the corresponding provision of that Act.

31. Any permit issued under the Tourist Establishments Act that expires after 30 November 2001 shall be extended by operation of law for as long as the requirement to hold such a permit to operate a tourist establishment is maintained.

32. The Minister shall publish in the *Gazette officielle du Québec* the classification criteria approved by the Minister for a class of tourist accommodation establishments.

33. The Government may prescribe that a provision of this Act or of the regulations will come into force at different dates depending on the class of tourist accommodation establishments to which it relates.

34. The provisions of this Act come into force on the date or dates to be fixed by the Government except the provisions of section 5, which come into force on 7 June 2000.