

The draft Decree excludes from the scope of the Decree respecting security guards those employees who perform traffic control work within the meaning of the Decree respecting personnel in the traffic control industry in Québec.

The regulatory impact analysis shows that the amendments have no impact on employees and professional employers.

Further information on the draft Decree may be obtained by contacting Jonathan Vaillancourt, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 5^e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 80172, or 1-888-628-8934, extension 80172 (toll free); email: jonathan.vaillancourt@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

JEAN BOULET
Minister of Labour,
Employment and Social Solidarity

Decree to amend the Decree respecting security guards

Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting security guards (chapter D-2, r. 1) is amended in section 1.01 by striking out paragraph 8.

2. Section 2.03 is amended by adding the following at the end:

“(9) employees who perform traffic control work within the meaning of paragraph 11 of section 2 of the Decree respecting personnel in the traffic control industry in Québec (D-2, r. (insert the number of the Regulation)).”.

3. Section 4.07 is amended by striking out the line “P-5 premium*” in the table in the first paragraph.

4. This Decree comes into force on (insert the date of coming into force of this Decree).

105612

Draft Regulation

Tourist Accommodation Act
(2021, chapter 30)

Tourist accommodation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Tourist Accommodation Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the classes of tourist accommodation establishments.

It also determines the information that must be included in the application for the registration of a tourist accommodation establishment and in the declaration of the establishment's accommodation offering and of the related activities and other related services, as well as the documents that must accompany the application.

The draft Regulation specifies the period for the renewal of the registration of a tourist accommodation establishment and for the annual update of the documents and information sent at the time of the registration.

The draft Regulation sets the fees for the registration of a tourist accommodation establishment and for the renewal of that registration, which vary according to the class of the establishment.

The draft Regulation determines other conditions that operators of tourist accommodation establishments must comply with, such as requirements to hold civil liability insurance and to post the registration number and the name of the establishment on advertising and at the place of operation.

The draft Regulation determines the cases in which a municipality may apply to the Minister of Tourism to have the registration of a tourist accommodation establishment suspended or cancelled.

It also determines the information relating to tourist accommodation establishments that may be communicated to a municipality for the purposes provided for by the Act respecting tourist accommodation establishments (2021, chapter 30) and specifies the conditions that the municipality must meet in order to obtain that information.

The draft Regulation exempts from the application of the Tourist Accommodation Act tourist accommodation establishments operated in an

outfitting operation to which the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13) applies.

Lastly, the draft Regulation determines the regulatory provisions with regard to which non-compliance may lead to a penal sanction.

The draft Regulation simplifies the administrative formalities with which persons operating a tourist accommodation establishment must currently comply and, for most of those persons, provides for fees payable lower than those currently in force.

Further information on the draft Regulation may be obtained by contacting Jérôme Laflamme, policy advisor, Direction de l'innovation et des politiques, Ministère du Tourisme; email: etablissements.touristiques@tourisme.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Tourism, 900, boulevard René-Lévesque Est, bureau 400, Québec (Québec) G1R 2B5; email: etablissements.touristiques@tourisme.gouv.qc.ca.

CAROLINE PROULX
Minister of Tourism

Tourist Accommodation Regulation

Tourist Accommodation Act
(2021, chapter 30, ss. 3, 5, 12, 19, 20, 21, 22 and 27)

DIVISION I CLASSES OF TOURIST ACCOMMODATION ESTABLISHMENTS

1. The classes of tourist accommodation establishments are the following:

(1) principal residence establishments: establishments that offer, following a single reservation, accommodation in the principal residence of the natural person who operates the establishment for one person or one group of related persons at a time and not including any meals served on the premises;

(2) youth tourist accommodation establishments: establishments in which at least 30% of accommodation units consist of beds in one or more dormitories or where accommodation is mainly offered as part of activities intended primarily for underprivileged individuals or individuals who have a disability;

(3) general tourist accommodation establishments: establishments, other than principal residence establishments and youth tourist accommodation establishments, that offer accommodation in one or more types of accommodation units; those establishments include hotels, motels, camping grounds and trailer parks, outfitting operations to which the Act respecting the conservation and development of wildlife (chapter C-61.1) applies, and bed and breakfast establishments referred to in section 20 of the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec (chapter P-41.1, r. 1.1).

For the purposes of subparagraph 2 of the first paragraph, a dormitory is a room that contains at least 2 beds offered for rent individually.

DIVISION II REGISTRATION AND ACCOMMODATION OFFERING

2. An application for the registration of a tourist accommodation establishment must be submitted in writing. It must be signed and contain

(1) the name, civic address, email address and telephone number of the person who intends to operate the establishment and, if applicable, those of the signatory if it is a different person;

(2) if applicable, the business number in the enterprise register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1) of the person who intends to operate the establishment;

(3) if applicable, the name of the establishment;

(4) the address of the establishment and, if it is operated in part of an immovable, its location inside the immovable;

(5) the class of the establishment and, in the case of a general tourist accommodation establishment, the type of establishment (hotel, motel, camping ground and trailer park, outfitting operation, bed and breakfast establishment, etc.); and

(6) if the person who intends to operate the establishment has, in the last 3 years, been found guilty of an offence under the Tourist Accommodation Act (2021, chapter 30), the Building Act (chapter B-1.1), the Act respecting the conservation and development of wildlife (chapter C-61.1), the Consumer Protection Act (chapter P-40.1), the Environment Quality Act (chapter Q-2) or a Regulation made under any of those Acts, a description of the offence.

If the application for registration is filed by a mandatory of the person who intends to operate the establishment, the following information must also be provided:

(1) the name, civic address, email address and telephone number of the mandatory and, if applicable, those of the mandatory's representative;

(2) if applicable, the business number in the enterprise register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1) of the mandatory.

3. An application for the registration of a tourist accommodation establishment must be accompanied by

(1) the declaration of the establishment's accommodation offering and of the related activities and other related services referred to in section 4;

(2) if the signatory of the application is not the person who intends to operate the establishment for which the application is made, the document authorizing the signatory to file the application;

(3) if the person who intends to operate the establishment is the owner of the establishment, a copy of the title of ownership or of the municipal or school tax account for the establishment;

(4) if the establishment is situated in an immovable held in divided co-ownership, a copy of the provisions of the declaration of co-ownership allowing the establishment to be operated for tourist accommodation purposes or, in the absence of such provisions, the authorization of the syndicate of co-owners to that effect;

(5) if the person who intends to operate the establishment is the lessee of the establishment, a copy of the leasing contract for the establishment allowing the operation of the establishment as a tourist accommodation establishment or, if the leasing contract has no such provisions, the authorization of the owner to that effect;

(6) if the establishment is situated on lands in the domain of the State, a copy of the lease issued by the responsible public body;

(7) proof that the person who intends to operate the establishment holds a valid civil liability insurance policy which meets the requirements prescribed by section 8 and for which the premium has been paid; and

(8) outdoor and indoor photographs of the establishment corresponding, if applicable, to the photographs intended to be broadcast on a digital accommodation platform.

The documents referred to in subparagraphs 3 to 5 of the first paragraph need not be provided if the establishment is situated on lands in the domain of the State or in an Indian reserve.

4. The declaration of the tourist accommodation establishment's accommodation offering and of the related activities and other related services must be submitted in writing and contain

(1) a physical description of the establishment;

(2) the types of accommodation units offered, the number of units for each type and, unless the application concerns a general tourist accommodation establishment corresponding to a camping ground and trailer park, the total accommodation capacity;

(3) the facilities offered in the accommodation units;

(4) the accessibility to individuals who have a disability;

(5) the possibility of bringing a companion animal;

(6) the period of operation of the establishment over a 12-month period;

(7) the various activities offered to tourists by the establishment;

(8) the other services offered;

(9) the tariffs for accommodation and the modes of payment accepted; and

(10) if applicable, the address of the establishment's website.

DIVISION III RENEWAL OF THE REGISTRATION AND UPDATE OF THE ACCOMMODATION OFFERING

5. Subject to the second paragraph, the operator of a tourist accommodation establishment must, within the 60 days preceding the date on which the operator's registration ends, send the application for the renewal of the registration of the establishment, as well as a declaration of the updating of the information concerning the accommodation offering and the related activities and other related services.

The operator of a general tourist accommodation establishment must send the application and the declaration referred to in the first paragraph between 1 February and 31 March if the establishment is an outfitting operation to

which the Act respecting the conservation and development of wildlife (chapter C-61.1) applies, and between 1 September and 31 October if the establishment consists of a camping ground and trailer park.

DIVISION IV FEES PAYABLE

6. The fees payable for the registration of a tourist accommodation establishment are the following:

- (1) in the case of a principal residence establishment, \$50;
- (2) in the case of a youth tourist accommodation establishment, \$120;
- (3) in the case of a general tourist accommodation establishment, \$145.

7. The fees payable for the annual renewal of the registration of a tourist accommodation establishment are the following:

- (1) in the case of a principal residence establishment, \$50;
- (2) in the case of a youth tourist accommodation establishment, \$120;
- (3) in the case of a general tourist accommodation establishment, \$145.

DIVISION V OTHER CONDITIONS

8. The operator of a tourist accommodation establishment must take out and maintain civil liability insurance for at least \$2,000,000 per claim that covers bodily injury and property damage caused in the course of operation of the establishment.

The first paragraph does not apply if the establishment is operated by the Government or by one of its departments or bodies.

9. The operator of a tourist accommodation establishment must clearly indicate the registration number and, if applicable, the name of the establishment in any advertising used to promote the establishment, and on any website, whether transactional or non-transactional, used in connection with the operation of the establishment. In the case of verbal advertising, the indication of the registration number is replaced by a mention that the establishment is registered in accordance with the Tourist Accommodation Act (2021, chapter 30).

The operator must also post, in full view of tourists at the main entrance to the establishment, a written notice indicating the registration number, the civic address and, if applicable, the name of the establishment, as well as its class.

DIVISION VI CASES GIVING RISE TO AN APPLICATION FOR SUSPENSION OR CANCELLATION BY A MUNICIPALITY

10. The following cases may lead to the suspension or cancellation of the registration of a tourist accommodation establishment under section 12 of the Tourist Accommodation Act (2021, chapter 30):

(1) the fact that the operator of the establishment has, within a 12-month period, committed and been found guilty of at least 2 offences under any municipal by-law as regards uses, nuisances, sanitation or safety in connection with the operation of the establishment;

(2) the fact that the clients of a principal residence establishment have, within a 12-month period, committed and been found guilty of at least 2 offences under any municipal by-law as regards nuisances, sanitation or safety when using the establishment.

DIVISION VII INFORMATION TO MUNICIPALITIES

11. The information relating to tourist accommodation establishments that may be communicated to a municipality under section 22 of the Tourist Accommodation Act (2021, chapter 30) includes

(1) the name, civic address and email address of the establishment;

(2) the class of the establishment and, in the case of a general tourist accommodation establishment, the type of establishment;

(3) the name of the operator of the establishment;

(4) the date of registration of the establishment; and

(5) the types of accommodation units offered and the number of units for each type.

12. For the purposes of section 11, a municipality must first send to the Minister

(1) the type of information requested;

(2) the class of the tourist accommodation establishments concerned;

(3) unless the request concerns all of the tourist accommodation establishments situated in the municipality's territory, the postal code of the establishments concerned; and

(4) the intended use of the information requested.

DIVISION VIII

EXEMPTION FROM CERTAIN PROVISIONS OF THE ACT AND THE REGULATION

13. A general tourist accommodation establishment operated in an outfitting operation to which the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) applies is not subject to the Tourist Accommodation Act (2021, chapter 30).

DIVISION IX

OFFENCES

14. The regulatory provision to which section 27 of the Tourist Accommodation Act (2021, chapter 30) refers is sections 8 and 9.

DIVISION X

TRANSITIONAL AND FINAL

15. Until (*insert the date that occurs 3 years after the date of coming into force of this Regulation*), subparagraph 6 of the first paragraph of section 2 is to be read as follows:

“(6) if the person who intends to operate the establishment has, in the last 3 years, been found guilty of an offence under the Act respecting tourist accommodation establishments (chapter E-14.2), the Tourist Accommodation Act (2021, chapter 30), the Building Act (chapter B-1.1), the Act respecting the conservation and development of wildlife (chapter C-61.1), the Consumer Protection Act (chapter P-40.1), the Environment Quality Act (chapter Q-2) or a Regulation made under any of those Acts, a description of the offence.”.

16. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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