



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 25
(2023, chapter 16)

An Act to fight illegal tourist accommodation

Introduced 9 May 2023
Passed in principle 30 May 2023
Passed 7 June 2023
Assented to 7 June 2023

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EXPLANATORY NOTES

This Act provides that the registration of a tourist accommodation establishment takes the form of a certificate containing various information determined by regulation. It also prohibits the dissemination through a digital platform of an accommodation offering that does not contain the registration number or the expiry date of the registration certificate for the tourist accommodation establishment concerned.

The entering into, through a digital platform, of a short-term rental contract for a stay in a tourist accommodation establishment that is not registered in accordance with the law is also prohibited.

Various obligations are imposed on operators of a digital platform, including an obligation to obtain and keep the registration certificates of tourist accommodation establishments that disseminate their accommodation offerings through the platform, to validate the registration numbers of those establishments and to designate a person established in Québec as a representative.

The Act also provides for the creation of a public register of tourist accommodation establishments that is to be maintained by the Minister of Tourism or by a body recognized by the Minister.

Lastly, the Act includes penal offences to sanction any contravention of the obligations it introduces.

LEGISLATION AMENDED BY THIS ACT:

- Tourist Accommodation Act (chapter H-1.01);
- Act respecting the Ministère du Tourisme (chapter M-31.2).

REGULATION AMENDED BY THIS ACT:

- Tourist Accommodation Regulation (chapter H-1.01, r. 1).

Bill 25

AN ACT TO FIGHT ILLEGAL TOURIST ACCOMMODATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TOURIST ACCOMMODATION ACT

1. The Tourist Accommodation Act (chapter H-1.01) is amended by inserting the following section after section 6:

“**6.1.** The registration of a tourist accommodation establishment and its renewal take the form of a certificate, issued by the Minister, whose content is determined by government regulation.”

2. The Act is amended by inserting the following sections after section 20:

“**20.1.** No person operating a digital accommodation platform within the meaning of section 541.23 of the Act respecting the Québec sales tax (chapter T-0.1) may

(1) disseminate a tourist accommodation establishment’s accommodation offering that does not contain the establishment’s registration number or the expiry date of the certificate referred to in section 6.1 issued in respect of that establishment; or

(2) enable the entering into of a rental contract for accommodation purposes for a stay of less than 32 days in a tourist accommodation establishment that is not registered in accordance with this Act or whose registration is expired, suspended or cancelled.

“**20.2.** A person referred to in section 20.1 must

(1) ensure that the registration number of the tourist accommodation establishment and the expiry date of the registration certificate that are contained in the accommodation offering disseminated through the digital platform concern the establishment to which the accommodation offering relates and that the registration is in force; and

(2) send to the Minister, subject to the terms and conditions determined by government regulation, the information and documents determined by the regulation regarding, among other things, the tourist accommodation establishments’ accommodation offerings disseminated through the digital platform.

The verification of information required by subparagraph 1 of the first paragraph is made using the registration certificate or, if applicable, on the terms and conditions determined by government regulation.

“20.3. The Minister may, by order published in the *Gazette officielle du Québec* and within the time and in the manner established by the Minister therein, subject the persons operating a type of digital platform not referred to in section 20.1 that the Minister determines to the provisions of sections 20.1 and 20.2 indicated by the Minister.”

3. Section 21 of the Act is amended

(1) by replacing “platform” by “website”;

(2) by adding the following paragraph at the end:

“The Government may also determine by regulation any other condition the operator of a digital platform that is referred to in section 20.1 or determined by an order made under section 20.3 is required to comply with.”

4. The Act is amended by inserting the following division after section 21:

“DIVISION IV.1

“REGISTER OF TOURIST ACCOMMODATION ESTABLISHMENTS

“21.1. The Minister maintains a public register of tourist accommodation establishments that contains, for each establishment, the class, the registration number, the issue and expiry dates of the registration certificate, the registration status (in force, expired, suspended or cancelled) and any other information determined by government regulation.

“21.2. The register may be maintained by a body referred to in section 6 under an agreement that sets out the conditions the body must comply with and the responsibilities the body must assume.”

5. Section 28 of the Act is amended

(1) by striking out “commits an offence and” in the portion after paragraph 4;

(2) by inserting the following paragraph after paragraph 3:

“(3.1) enters, under this Act and the regulations, in a tourist accommodation establishment’s accommodation offering and in any advertising promoting it, a registration number for that establishment that is false or inaccurate or such a registration number although the establishment’s registration is expired, suspended or cancelled, or”.

6. The Act is amended by inserting the following section after section 29:

“29.1. Any person operating a digital platform who contravenes any of the provisions of section 20.1 and subparagraph 1 of the first paragraph of section 20.2 is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$10,000 to \$100,000 in all other cases.”

7. Section 56 of the Act is amended by inserting “then not later than every three years,” after “of this Act,” in the first paragraph.

8. The Act is amended by striking out all occurrences of “commits an offence and”.

ACT RESPECTING THE MINISTÈRE DU TOURISME

9. Section 21.1 of the Act respecting the Ministère du Tourisme (chapter M-31.2), enacted by section 32 of the Act respecting the implementation of certain provisions of the Budget Speech of 22 March 2022 and amending other legislative provisions (2023, chapter 10), is amended by replacing “recognized by the Minister for the registration of tourist accommodation establishments, and the renewal of that registration, carried out by those bodies under an agreement entered into under section 6 of the Tourist Accommodation Act (chapter H-1.01)” by “referred to in section 6 of the Tourist Accommodation Act (chapter H-1.01) as consideration for the exercise of any function that may be entrusted to them under that Act or a regulation made under it”.

TOURIST ACCOMMODATION REGULATION

10. The Tourist Accommodation Regulation (chapter H-1.01, r. 1) is amended by inserting the following division after section 7:

“DIVISION IV.1

“REGISTRATION CERTIFICATE

“7.1. The registration certificate referred to in section 6.1 of the Tourist Accommodation Act (chapter H-1.01) bears the signature of the Minister and contains the registration number, address and class of the establishment, the number of accommodation units offered for rent, the issue and expiry dates of the certificate and, if applicable, the name of the establishment.”

11. Section 9 of the Regulation is amended by replacing the second paragraph by the following paragraph:

“The operator must also

(1) display the registration certificate of the tourist accommodation establishment in full view of the public at the main entrance to the establishment unless the establishment is situated in an immovable that includes two or more

residential units, in which case the registration certificate must be displayed at the main entrance to the immovable; and

(2) send the registration certificate to the person subject to subparagraph 1 of the first paragraph of section 20.2 of the Tourist Accommodation Act who operates a digital platform through which the operator disseminates the establishment's accommodation offering.”

12. The Regulation is amended by inserting the following section after section 9:

“**9.1.** The person operating a digital platform must, for the purposes of the Tourist Accommodation Act (chapter H-1.01) and of this Regulation, send to the Minister and keep up to date the contact information for a representative established in Québec, including the representative's name, official title, address, email address and telephone number.

The person operating a digital platform must also obtain from any operator of a tourist accommodation establishment who disseminates an accommodation offering through the digital platform the registration certificate of the establishment and keep it for one year after its expiry date.”

13. Section 15 of the Regulation is amended by replacing “8 and 9” by “8, 9 and 9.1”.

FINAL PROVISION

14. This Act comes into force on 7 June 2023, except

(1) the provisions of section 2 insofar as they concern the expiry date of the registration certificate provided for in paragraph 1 of section 20.1 of the Tourist Accommodation Act (chapter H-1.01) as well as subparagraph 1 of the first paragraph and the second paragraph of section 20.2 of that Act, those of section 6 insofar as they concern the expiry date of the registration certificate and subparagraph 1 of the first paragraph of section 20.2 of that Act, those of section 11 and those of section 12 insofar as they concern the second paragraph of section 9.1 of the Tourist Accommodation Regulation (chapter H-1.01, r. 1), which come into force on 1 September 2023 or on any earlier date or dates to be set by the Government;

(2) the provisions of section 2 insofar as they concern subparagraph 2 of the first paragraph of section 20.2 of the Tourist Accommodation Act, which come into force on the date of coming into force of the first regulation made under that subparagraph; and

(3) the provisions of section 4, which come into force on the date to be set by the Government.