



# Tourist Accommodations Act

CHAPTER 9

OF THE

ACTS OF 1994-95

amended 1995-96, c. 13, s. 87

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## An Act Respecting Tourist Accommodations in the Province

### Short title

1 This Act may be cited as the *Tourist Accommodations Act*. 1994-95, c. 9, s. 1.

### Interpretation

2 In this Act,

- (a) "camping establishment" means any premises operated for profit or gain for the accommodation of the travelling or vacationing public comprising
- (i) land maintained as grounds for camping or for overnight parking of recreational vehicles, or
  - (ii) a separate building or buildings containing a rental unit of one room used as an alternative form of accommodation in a campground as prescribed by the regulations;
- (b) "licence" means a licence issued pursuant to this Act;
- (c) "manager" includes an owner, lessee, operator or person in charge of a roofed accommodation or camping establishment;
- (d) "Minister" means the Minister responsible for the Nova Scotia Economic Renewal Agency, including Tourism Nova Scotia and the Nova Scotia Marketing Agency;

(e) "recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, that either has its own motive power or is mounted on or drawn by another vehicle;

(f) "roofed accommodation" means

(i) every building, part of a building, group of buildings or place of accommodation that provides one or more rental units used mainly for the reception of the travelling or vacationing public,

(ii) overnight cottages or cabins, or

(iii) any building or part of a building designated as a roofed accommodation in the regulations. 1994-95, c. 9, s. 2.

### **Requirement for licences**

**3 (1)** No person shall, within the Province, carry on the business of conducting, maintaining, operating or managing a roofed accommodation unless there is in respect of such accommodation a licence that is in force.

**(2)** The Minister may issue a licence, and for any reasonable cause refuse to issue a licence, to any person or in respect of any roofed accommodation or camping establishment.

**(3)** No person shall use, maintain, operate or manage a camping establishment or permit the use of any lands for the overnight parking of recreational vehicles for the travelling or vacationing public unless there is a licence which is in force. 1994-95, c. 9, s. 3.

### **Expiry of licence**

**4 (1)** Unless a licence sooner expires or is sooner cancelled, every licence expires on March 31st in each year.

**(2)** Upon a change in the ownership of a roofed accommodation or a camping establishment with respect to which a licence has been issued, the licence expires. 1994-95, c. 9, s. 4.

### **Licence subject to terms and conditions**

**5** The Minister may attach to any licence such terms, conditions or restrictions as the Minister considers advisable and the Minister may, from time to time, by notice in writing, vary, add or discontinue any terms, conditions or restrictions. 1994-95, c. 9, s. 5.

### **Cancellation or suspension of licence**

**6** The Minister may, for any reasonable cause, cancel or suspend any licence and the manager of the roofed accommodation or camping establishment, as the case may be, shall cease to transact further business in respect of such accommodation or establishment until a new licence is issued or the suspension lifted. 1994-95, c. 9, s. 6.

### **Registration system**

**7** In every roofed accommodation and camping establishment, a registration system shall be used in which there shall be entered the name and usual place of residence of each person who is given accommodation with the number of family members in the party. 1994-95, c. 9, s. 7.

### **Offence**

**8** Every manager of a roofed accommodation or camping establishment who fails to keep the registration system required by Section 7 or to see that the particulars required by Section 7 are entered therein, or who knowingly

permits any untrue statement as to the nature or place of residence of a guest to be entered in the registration system, is guilty of an offence. 1994-95, c. 9, s. 8.

## **Officers**

**9 (1)** The Minister may appoint persons in the public service to be accommodation officers or campground accommodation officers.

**(2)** An accommodation officer or campground accommodation officer may, at all reasonable times, enter and inspect any roofed accommodation or camping establishment or other building or premises in which accommodation for the travelling or vacationing public is provided or offered. 1994-95, c. 9, s. 9.

## **Lien and sale**

**10 (1)** Every manager of a roofed accommodation has a lien on the baggage and property of a guest for the value or price of any food or accommodation furnished to the guest or on the guests account.

**(1A)** A lien on baggage and property arising under subsection (1) as a result of the furnishing of food or accommodation is subordinate to the interest in that baggage and property of any person who has registered before the food or accommodation was furnished, pursuant to the *Personal Property Security Act*, a financing statement or other notice in relation to that interest.

**(2)** In addition to all other remedies provided by law, a manager of a roofed accommodation has the right, where an amount referred to in subsection (1) remains unpaid for three months, to sell by public auction the baggage and property of the guest on giving one weeks notice by advertisement in a newspaper published in the municipality in which the accommodation is situate or, in case there is no newspaper published in the municipality, in a newspaper published nearest to the accommodation, of the intended sale.

**(3)** The advertisement referred to in subsection (2) shall state the name of the guest, the amount of the guests indebtedness, the time and place of the sale and the name of the auctioneer and shall give a description of the baggage or other property to be sold.

**(4)** The manager of a roofed accommodation may apply the proceeds of the sale in payment of the amount due to the manager, and the costs of the advertising and sale, and shall pay over the surplus, if any, to the person entitled thereto on application being made to the manager by that person. 1994-95, c. 9, s. 10; 1995-96, c. 13, s. 87.

## **Liability for loss of goods**

**11 (1)** A manager of a roofed accommodation is not liable to make good to any guest of the manager any loss of or injury to goods or property brought to the managers accommodation except

(a) where the goods or property have been stolen, lost or injured through the wilful act, default or neglect of the manager or any staff in the employ of the manager; or

(b) where the goods or property have been deposited expressly for safe custody with the manager.

**(2)** In the case of a deposit pursuant to clause (1)(b), the manager of a roofed accommodation may, if the manager thinks fit, require as a condition of the managers liability that the goods or property be deposited in a box or other receptacle, fastened and sealed by the person depositing the goods or property. 1994-95, c. 9, s. 11.

## **Subsection 11(1) does not apply**

**12** Where a manager of a roofed accommodation refuses to receive for safe custody goods or property of a guest referred to in clause (1)(b) or where the guest, through any default of the manager, is unable to deposit the goods

or property, the manager is not entitled to the benefit of subsection 11(1) in respect of those goods or property. 1994-95, c. 9, s. 12.

### **Liability for loss of vehicle**

**13 (1)** A manager of a roofed accommodation is not liable for the loss of a vehicle of a guest or of its contents except where the loss occurs where the vehicle is stored or parked in a garage of the accommodation or in a car park within the precincts of the accommodation or maintained elsewhere by the manager and where a fee is charged by the manager for the storage or parking or the manager or the staff of the manager accepts the vehicle for handling or safekeeping.

**(2)** In this Section, "vehicle" includes a motor vehicle as defined in the *Motor Vehicle Act*. 1994-95, c. 9, s. 13.

### **False name or statement**

**14** Every person who applies for admission as a guest in a roofed accommodation and who registers under or represents himself as bearing some other name other than that persons own name, or who, in registering or procuring admission to a roofed accommodation, makes any false statement as to the persons ordinary place of residence, is guilty of an offence and liable to a penalty of not more than two hundred dollars and, in default of payment, to imprisonment for a period not exceeding one hundred days. 1994-95, c. 9, s. 14.

### **Failure to obtain licence**

**15** Every person who, within the Province, uses, maintains, operates or manages a camping establishment or permits the use of any lands for the overnight parking of recreational vehicles for the travelling or vacationing public without a licence that is in force, is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars. 1994-95, c. 9, s. 15.

### **Violation**

**16** Every person who violates any of the provisions of this Act or the regulations for which no penalty is otherwise prescribed is liable to a penalty of not more than five hundred dollars and in default of payment to imprisonment for a period not exceeding two hundred and fifty days and for a second or subsequent offence to a penalty of not less than two hundred dollars and not more than one thousand dollars and in default of payment to imprisonment for a period of not less than one hundred days and not more than five hundred days, or to both fine and imprisonment. 1994-95, c. 9, s. 16.

### **Order to close premises**

**17 (1)** Upon a conviction being entered against any person for a violation of this Act with respect to a roofed accommodation, a judge may, in writing, order a chief of police or any constable to close, and such chief of police or constable shall close, by means of seals, padlocks or otherwise, any roofed accommodation in which or in respect of which, during the twelve months immediately preceding the making of the order, two other violations of this Act have been committed for which the same or any other person or persons were convicted.

**(2)** The closing referred to in subsection (1) may be for such period, not exceeding twelve months, as the judge may fix in the order and the Minister may, in the Ministers discretion, order the determination of the closing on the report of the chief of police or constable, as the case may be, or when the Minister is satisfied by the report or evidence of any person that there has been a *bona fide* change in the ownership or occupancy of the roofed accommodation, or that the owner or occupant of or any other person having an interest in the roofed accommodation had no notice of the proceedings or no opportunity of being heard before the judge, and that the owner, occupant or person was not a party or privy to the commission of the offence.

**(3)** The chief of police or constable has the power to set a guard both outside and inside of any premises so closed as it may to the chief of police or constable seem proper or necessary in order to render the closing

effective.

**(4)** Any person who enters or attempts to enter any premises after a closing or interferes with any constable in the discharge of the constables duties under an order may be arrested without warrant and is guilty of an offence against this Act. 1994-95, c. 9, s. 17.

## **Regulations**

**18 (1)** The Governor in Council may make regulations

(a) respecting roofed accommodation licences;

(b) respecting camping establishment licences;

(c) prescribing the fees to be charged for roofed accommodation or camping establishment licences;

(d) respecting the form of any registration system required pursuant to this Act;

(e) requiring the manager of a roofed accommodation or camping establishment to prepare and file such reports and statements of the operations of the roofed accommodation or camping establishment as the Minister may from time to time request;

(f) classifying roofed accommodations and camping establishments;

(g) respecting applications for and the issuance of licences or any class of licence;

(h) prescribing the duties and powers of accommodation officers and campground accommodation officers;

(i) prescribing minimum standards of the materials to be used and the methods of construction to be observed in the construction, alteration, renovation and reconstruction of roofed accommodations and camping establishments;

(j) prescribing the minimum standards of equipment, furniture and fixtures in roofed accommodations;

(k) prescribing the minimum standards of equipment and facilities in camping establishments;

(l) prescribing the minimum space required in respect of living and sleeping accommodations in roofed accommodations;

(m) prescribing the minimum space required for each tent and recreational vehicle accommodated in a camping establishment;

(n) pertaining to the operation of dining room, restaurant or other eating facilities operated in or in conjunction with roofed accommodations;

(o) pertaining to the operation of eating facilities operated in or in conjunction with camping establishments;

(p) with respect to the grounds and premises, approaches and parking facilities of roofed accommodations, trailer courts and camping establishments;

(q) prohibiting the construction, alteration, renovation or reconstruction of a roofed accommodation or camping establishment without the approval by the Minister of the plans and specifications for such construction, alteration, renovation or reconstruction;

(r) for the purpose of requiring the provision and maintenance of a safe and adequate water supply in roofed accommodations and camping establishments;

(s) respecting drainage systems, sewerage and garbage disposal in roofed accommodations and camping establishments;

(t) for the better carrying out of the provisions of this Act and for the more efficient administration thereof.

(2) A regulation made pursuant to subsection (1) may be general in its application or may be made applicable to any class or classes of roofed accommodations or camping establishments, as the case may be, or to any district or area of the Province designated in the regulations.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 1994-95, c. 9, s. 18.

### **Repeal of certain enactments**

19 (1) Chapter 51 of the Revised Statutes, 1989, the *Camping Establishments Regulation Act*, is repealed.

(2) Chapter 209 of the Revised Statutes, 1989, the *Hotel Regulations Act*, is repealed.

(3) Chapter 229 of the Revised Statutes, 1989, the *Innkeepers Act*, is repealed. 1994-95, c. 9, s. 19.

### **Proclamation**

20 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1994-95, c. 9, s. 20.

Proclaimed - January 16, 1996

In force - January 16, 1996

