1980

c 507 Tourism Act

Ontario

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Bibliographic Citation
Tourism Act, RSO 1980, c 507
Repository Citation
Available at: http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss8/63

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CHAPTER 507

Tourism Act

1. In this Act,

(a) “information centre” means a place that is held out to the public as being available for or engaged in furnishing travel information to the public, whether for hire or reward or otherwise;

(b) “licence issuer” means the tourist industry officer of the Ministry or other official of the Ministry designated as such by the Minister;

(c) “Minister” means the Minister of Industry and Tourism;

(d) “Ministry” means the Ministry of Industry and Tourism;

(e) “operate” means have the management and control;

(f) “operator” means the resident manager or other person in charge of a tourist establishment;

(g) “regulations” means the regulations made under this Act;

(h) “sleeping accommodation” includes a campsite where any facility or service is provided for the supply of water or electricity or for the disposal of garbage or sewage;

(i) “tourist establishment” means any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include,

(i) a camp operated by a charitable corporation approved under the Charitable Institutions Act, or
(ii) a summer camp within the meaning of the regulations made under the Public Health Act, or

(iii) a club owned by its members and operated without profit or gain. R.S.O. 1970, c. 122, s. 1; 1971, c. 50, s. 31 (1); 1972, c. 1, s. 79 (2, 3).

2. The Minister may by order appoint one or more persons to investigate, inquire into and report to him upon any matter connected with or affecting the tourist industry, including accommodation, facilities, or services offered to tourists or the advertising or publicizing thereof, or of the resources, attractions or advantages of Ontario, and, for the purposes of the investigation and inquiry, any person making the investigation has the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the investigation as if it were an inquiry under that Act. 1971, c. 50, s. 31 (2).

3.—(1) No person shall construct a tourist establishment or make an addition to or a structural alteration in a tourist establishment except in accordance with a permit therefor in the prescribed form issued under this Act.

(2) Subject to subsection (3), a person is entitled to be issued a permit for the construction of, or the making of additions to or structural alterations in, a tourist establishment upon filing with the proper licence issuer,

(a) an application therefor in the prescribed form; and

(b) plans and specifications of the proposed tourist establishment showing that the establishment as constructed, added to or altered will comply with the requirements of this Act and the regulations and of any other law, regulation or by-law applicable to the establishment.

(3) A licence issuer may, after hearing the applicant, refuse to issue a permit under this section if the plans and specifications for the tourist establishment or for additions to or alterations in a tourist establishment do not comply with clause (2) (b).

(4) A permit under this section expires one year after the date it was issued.
(5) No holder of a permit shall construct a tourist establishment or make an addition to or structural alteration in a tourist establishment except in accordance with the plans and specifications in relation to which the permit was granted. 1971, c. 50, s. 31 (3), part.

4.—(1) No person shall operate a tourist establishment except in accordance with a licence in the prescribed form issued therefor under this Act.

(2) Subject to section 5, a person is entitled to be issued a licence to operate a tourist establishment upon application therefor in the prescribed form to the proper licence issuer, accompanied by such information as may be prescribed by the regulations, and payment of the prescribed fee.

(3) A licence issued under this section,

(a) becomes effective on the first day of April of the year in which it is issued or the date on which it is issued, whichever is the later; and

(b) expires with the 31st day of March next following unless sooner suspended or cancelled. 1971, c. 50, s. 31 (3), part.

5.—(1) A licence issuer may, after a hearing, refuse to issue a licence to operate a tourist establishment if,

(a) the tourist establishment does not comply with the requirements of this Act or the regulations or any other law, regulation or by-law applicable to the establishment;

(b) a licence to operate a tourist establishment was previously issued to the applicant and such licence is suspended or such licence was cancelled and the grounds for such cancellation continue to exist; or

(c) the owner, lessee or operator of the establishment has been convicted of any offence for conduct that affords reasonable grounds for believing that the tourist establishment will not be operated in accordance with law and with honesty and integrity.

(2) Within forty-eight hours after a refusal to issue a licence, the licence issuer shall transmit,

(a) to the Minister, the application and a report setting forth the reasons for the refusal; and
(b) to the applicant by registered mail, a copy of the report and a notification that a refund has been authorized and will be issued from the office of the Treasurer of Ontario in due course. 1971, c. 50, s. 31 (3), part.

6.—(1) Subject to section 7, the holder of a licence to operate a tourist establishment is entitled to a renewal thereof upon application therefor in the prescribed form to the proper licence issuer and payment of the prescribed fee.

(2) Application for renewal of a licence to operate a tourist establishment shall be made,

(a) where the establishment is operated throughout the year, before expiry of the current licence; or

(b) where the establishment is operated for only part of the year, before the 15th day of May in each year.

(3) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice of a hearing by the licence issuer, until the decision of the licence issuer has become final. 1971, c. 50, s. 31 (3), part.

7.—(1) A licence issuer may, after a hearing, refuse to renew or suspend or cancel a licence to operate a tourist establishment if,

(a) the tourist establishment does not comply with the requirements of this Act or the regulations or of any other law, regulation or by-law applicable to the establishment; or

(b) the owner, lessee or operator of the establishment,

(i) has contravened any provision of this Act or the regulations, or

(ii) has been convicted of any offence for conduct that affords reasonable grounds for believing that the tourist establishment will not be operated in accordance with law or with honesty and integrity,
notwithstanding that the grounds for refusal, suspension or cancellation existed at the time the licence was issued.

(2) A notice of a hearing under subsection (1) relating to a refusal to renew or the suspension or cancellation of a licence shall be served personally or by registered mail on the licensee and shall afford to him a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence.

(3) A licence issuer shall afford to an applicant or licensee who will be affected by a decision pursuant to a hearing by the licence issuer, or to his representative, an opportunity to examine, before the hearing, any written or documentary evidence that will be introduced or any report the contents of which will be given in evidence at the hearing. 1971, c. 50, s. 31 (3), part.

8. Where a licensed tourist establishment is sold or legal ownership thereof passes, the purchaser or other person to whom the legal ownership has passed is entitled to obtain a transfer of the licence from the proper licence issuer upon application therefor in the prescribed form and payment of the prescribed fee if he would have been entitled to be issued the licence if he were making an initial application therefor and surrenders the existing licence, and the provisions of section 5 apply to his application. 1971, c. 50, s. 31 (3), part.

9.—(1) Where a licence issuer has,

(a) refused to issue or renew a licence;

(b) suspended or cancelled a licence; or

(c) refused to transfer a licence,

the owner, lessee or operator of the tourist establishment to which the licence relates may, within fifteen days after receipt of the decision of the licence issuer, appeal to a judge of the county or district court of the county or district in which the tourist establishment is situate by sending a notice of appeal specifying the grounds of his appeal by registered mail to the Deputy Minister of Industry and Tourism and filing a copy thereof in the office of the clerk of the court. 1971, c. 50, s. 31 (3), part; 1972, c. 1, s. 79 (5).

(2) The Minister represented by such person as he may nominate and the person filing the notice of appeal are parties to an appeal under this section.
(3) Where an appeal is brought under this section, the judge shall appoint a time and a place for and shall hear the appeal by way of a hearing de novo and may by order direct the licence issuer to take such action as the judge considers the licence issuer ought to take in accordance with this Act and the regulations and as the judge deems proper.

(4) Where the appeal is from a decision of a licence issuer refusing to renew or transfer or suspending or cancelling a licence, the Minister or his representative shall, on the hearing of the appeal, be deemed to be the complainant, and the burden of establishing the grounds for the refusal to renew or transfer or the suspension or cancellation shall be upon him, and the appellant shall be deemed to be the respondent.

(5) A judge to whom an appeal may be taken under this section may extend the time for making the appeal, either before or after expiration of the time fixed therefor, where he is satisfied that there are prima facie grounds for appeal and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

(6) The oral evidence taken before the judge on an appeal shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.

(7) The findings of fact of a judge on an appeal shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the Statutory Powers Procedure Act. 1971, c. 50, s. 31 (3), part.

10.—(1) Any party to proceedings before a judge under section 9 may appeal from the decision or order of the judge to the Divisional Court in accordance with the rules of court.

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Divisional Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge, if it is not part of the record of the judge, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.
11.—(1) The holder of a licence to operate a tourist establishment shall,

(a) file with the Minister the rates for sleeping accommodation in the tourist establishment and alterations therein; and

(b) post up the rates filed under clause (a) at the times and in the manner prescribed by the regulations.

(2) No person shall require or accept a payment for sleeping accommodation in excess of the rates filed with the Minister under subsection (1) and the regulations. R.S.O. 1970, c. 122, s. 7.

12. No person shall publish advertising matter or display any sign respecting tourist facilities, accommodation, services or attractions that does not comply with the regulations. R.S.O. 1970, c. 122, s. 8.

13.—(1) The Minister may designate employees of the Ministry as inspectors. R.S.O. 1970, c. 122, s. 9 (1); 1972, c. 1, s. 1.

(2) An inspector may inspect the premises, books and records of any tourist establishment for the purpose of enforcing this Act and the regulations, and, for the purpose of an inspection, may,

(a) enter the premises of the tourist establishment or any part thereof and be accompanied on his inspection by a legally qualified medical practitioner, a constable or police officer, a municipal building or public health inspector, or an inspector appointed under the Hotel Fire Safety Act, the Liquor Licence Act or the Power Corporation Act; and

(b) require the production of the books and records of the tourist establishment, and examine and copy such books and records or any part thereof. R.S.O. 1970, c. 122, s. 9 (2); 1973, c. 57, s. 19.

(3) Nothing in this section authorizes an inspector to enter any premises or dwelling unit forming part of a tourist establishment that is rented and actually occupied by a person with consent.
tourist or member of the public without the consent of the occupant, except under the authority of a warrant issued under section 142 of the Provincial Offences Act. 1971, c. 50, s. 31 (4).

14.—(1) Notwithstanding section 7, an inspector, by notice delivered to the operator of a tourist establishment, may provisionally suspend the licence to operate the establishment if he believes on reasonable grounds that the continued operation of the establishment will be dangerous to the safety or health of any person and, upon delivery of such notice to the operator, the suspension takes effect.

(2) Where an inspector has provisionally suspended a licence to operate a tourist establishment under subsection (1), he shall forthwith notify the licence issuer by whom the licence was issued and the licence issuer shall, as soon as is practicable, hold a hearing and determine whether the licence should be suspended or cancelled under this Act, and the provisions of sections 7, 9 and 10 apply to such proceedings and to the decision of the licence issuer. 1971, c. 50, s. 31 (5).

15.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not more than $1,000.

(2) Every person who contravenes any provision of the regulations is guilty of an offence and on conviction is liable to a fine of not more than $500.

(3) In addition to the penalty provided in subsection (1), a person who is convicted of a contravention of section 3 is liable to a fine of $10 for each day the offence continues, not exceeding ninety days. R.S.O. 1970, c. 122, s. 12.

16.—(1) The Lieutenant Governor in Council may make regulations,

(a) providing for the issuance of permits and licences and prescribing the terms and conditions of permits or licences or any class thereof;

(b) requiring the holders of permits and licences to make such returns and reports as are prescribed;

(c) requiring the payment of fees in respect of the issuance of permits and licences and renewals thereof, and fixing the amounts of the fees;
(d) providing for the apportionment and distribution of moneys appropriated by the Legislature for the maintenance, development and promotion of the tourist industry, and providing for the conditions governing the payment thereof;

(e) governing the content and the publication or display of advertising matter or signs respecting tourist facilities, accommodation, services or attractions;

(f) governing the plans and specifications of tourist establishments, or any class thereof, and the facilities and equipment that shall be provided;

(g) requiring information centres, or any class thereof, to be licensed, and providing for the inspection of licensed information centres and their books and records;

(h) governing the operation of information centres and tourist establishments, or any class thereof;

(i) prescribing the times when and the manner in which rates for sleeping accommodation in tourist establishments and alterations therein shall be filed with the Minister and posted up under section 11;

(j) prescribing forms and providing for their use;

(k) exempting any class of tourist establishment from this Act or the regulations or from any provision thereof. R.S.O. 1970, c. 122, s. 13 (1); 1971, c. 50, s. 31 (7, 8); 1972, c. 1, s. 79 (7, 8).

(2) Any regulation made under subsection (1) may be general or application particular in its application. R.S.O. 1970, c. 122, s. 13 (2).