December 11, 2017

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, our file # TCII/3125/2017

This is to confirm that on November 10, 2017 the Department of Tourism, Culture, Industry and Innovation received your request for access to the following record:

In light of the proliferation of unlicensed tourist accommodations in NL using web based platforms and negative impacts on owners of licensed accommodations, I would like to receive the following information: The number of convictions as per Section 5 "Offence" of the Tourist Establishment Act in contravention of section 4 "Licence Required" in the Tourist Establishment Regulations as per the Tourist Establishment Act for the period 2013-2017 and copies of departmental correspondence/records related to measures being undertaken or developed to enforce the Tourist Establishment Regulations specifically regarding unlicensed accommodations using the VRBO and Air BnB websites.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Tourism, Culture, Industry and Innovation to provide access to some of the requested information. Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

As I discussed with you during our telephone conversation, at this time there have been no convictions under Section 5 “Offense” of the Tourism Establishment Act in contravention of Section 4 “Licence Required” in the Tourism Establishment Regulations.

Policy advice or recommendations

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal

(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

Legal advice

30. (1) The head of a public body may refuse to disclose to an applicant information
Disclosure harmful to the financial or economic interests of a public body

35. (1) The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose

d) information, the disclosure of which could reasonably be expected to result in the premature disclosure of a proposal or project or in significant loss or gain to a third party;

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement’s website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me phone at (709) 729-3356 or by e-mail at wcomeau@gov.nl.ca

Sincerely,

[Signature]
Wayne Comeau
ATIPP Coordinator
FYI,

Note from Minister: unlicensed accommodations issue needs to be tackled.

------< HP TRIM Record Information >------

Record Number: COR/02820/2017
Title: Unlicensed Accommodations letter to Minister Gambin-Walsh from Dion Finlay, Hospitality NL
Signature: Document has not been digitally signed.
E-mail Message

From: Mitchelmore, Christopher [EX:O=PSNL/O=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CMITCHELMORE]
To: Halliday, Janice [SMTP:janicehalliday@gov.nl.ca], George, Bradley [SMTP:BradleyGeorge@gov.nl.ca]
Cc: 
Sent: 10/12/2017 at 5:01 PM
Received: 10/12/2017 at 5:01 PM
Subject: Fwd: Copy of correspondence to Minister Gamin-Walsh

Attachments: 2017-1012 - Letter to Service NL Minister_unlicensed accommodations_meeting request.pdf
ATT00001.htm

We have to tackle unlicensed accommodations

Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L'anse aux Meadows

Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. HYPERLINK "mailto:cmitchelmore@gov.nl.ca"cmitchelmore@gov.nl.ca

Begin forwarded message:

From: Dion Finlay
Date: October 12, 2017 at 10:13:28 AM PDT
To: "HYPERLINK "mailto:cmitchelmore@gov.nl.ca"cmitchelmore@gov.nl.ca"
Cc: Craig Foley
Subject: Copy of correspondence to Minister Gamin-Walsh

Good Afternoon Minister,

Please see the attached copy of a letter sent to Minister Gamin-Walsh regarding unlicensed accommodations.

Regards,

Dion

Dion Finlay
Chair, Hospitality NL

P: 709-722-2000
71 Goldstone Street (Suite 102)
St. John's, NL A1B 5C3
HYPERLINK "http://www.hnl.ca"www.hnl.ca
October 12, 2017

The Honourable Sherry Gambin-Walsh
Minister, Service NL
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Minister Gambin-Walsh:

With reference to Hospitality Newfoundland and Labrador's letter to your colleague, Minister Mitchelmore (and copied to you), dated August 16, 2017, Hospitality NL was pleased with your acknowledgment of the issue of unlicensed accommodations and its effect on the tourism industry in the province.

In recent years, the number of unlicensed accommodations operating throughout Newfoundland and Labrador has risen significantly, thanks in part to advances in technology and the evolution of the internet allowing them to easily market themselves to travellers in a very cost effective way using various online platforms such as social media and peer-to-peer rental sites.

Hospitality NL's membership feels negatively impacted by the unlevel playing field that exists between licensed and regulated accommodations and those that are unlicensed and unregulated, and are looking to Government to protect small business operators. Disappointed that no consequences for operating without a Tourist Establishment Licence are being enforced, many licensed operators are wondering why they choose to abide by the legislation at all.

The tourism industry welcomes and encourages new and unique product offerings in the market that help us deliver on travellers' expectations and differentiate Newfoundland and Labrador as a tourism destination. However, Hospitality Newfoundland and Labrador maintains that the key to success in the new reality of today's travel and tourism sector is equity - ensuring all tourism and travel product providers operate in the spirit of legitimate competition and abide by all regulatory and licensing requirements in order to operate in the province.

Hospitality NL believes that Service NL, the department responsible for providing accessible, responsive services in the areas of public health and safety, occupational health and safety, and consumer protection, has a significant role to play when it comes to addressing the issue of unlicensed accommodations in NL. On behalf of industry, Hospitality NL is eager to participate in any process that helps to identify solutions. To further discuss this issue and potential next steps, Hospitality NL is requesting a meeting at your earliest convenience. To arrange this, I encourage you to reach out to Hospitality NL's CEO, Craig Foley, at cfoley@hnl.ca or 1-800-563-0700 ext. 232.
E-mail Message

From: Mitchelowm, Christopher [EX/O=PSNL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=CMITCHELMORE]
        Haliday, Janice [SMTP:janicehalliday@gov.nl.ca], George, Bradley [SMTP:BradleyGeorge@gov.nl.ca]

To: Haliday, Janice [SMTP:janicehalliday@gov.nl.ca], George, Bradley [SMTP:BradleyGeorge@gov.nl.ca]

Cc: Sent: 10/12/2017 at 4:01 PM
Redcived: 10/12/2017 at 4:01 PM
Subject: Fwd: Copy of correspondence to Minister Gabin-Walsh

Attachments: 2017-1012 - Letter to Service NL Minister_unlicensed accommodations_meeting request.pdf
ATT00001.htm

We have to tackle unlicensed accommodations

Best Regards,

Christopher Mitchelowm, MHA
St. Barbe-L'Anse aux Meadows

Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. HYPERLINK "mailto:cmitchelowm@gov.nl.ca"cmitchelowm@gov.nl.ca

Begin forwarded message:

From: Dion Finlay
Date: October 12, 2017 at 10:13:28 AM PDT
To: "HYPERLINK "mailto:cmitchelowm@gov.nl.ca"cmitchelowm@gov.nl.ca"
Cc: Craig Foley
Subject: Copy of correspondence to Minister Gabin-Walsh

Good Afternoon Minister,

Please see the attached copy of a letter sent to Minister Gabin-Walsh regarding unlicensed accommodations.

Regards,

Dion

Dion Finlay
Chair, Hospitality NL

P: 709-722-2000
71 Goldstone Street (Suite 102)
St. John's, NL A1B 5C3
HYPERLINK "http://www.hnl.ca"www.hnl.ca
October 12, 2017

The Honourable Sherry Gambin-Walsh
Minister, Service NL
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Minister Gambin-Walsh:

With reference to Hospitality Newfoundland and Labrador's letter to your colleague, Minister Mitchelmore (and copied to you), dated August 16, 2017, Hospitality NL was pleased with your acknowledgment of the issue of unlicensed accommodations and its effect on the tourism industry in the province.

In recent years, the number of unlicensed accommodations operating throughout Newfoundland and Labrador has risen significantly, thanks in part to advances in technology and the evolution of the internet allowing them to easily market themselves to travellers in a very cost effective way using various online platforms such as social media and peer-to-peer rental sites.

Hospitality NL’s membership feels negatively impacted by the unlevel playing field that exists between licensed and regulated accommodations and those that are unlicensed and unregulated, and are looking to Government to protect small business operators. Disappointed that no consequences for operating without a Tourist Establishment Licence are being enforced, many licensed operators are wondering why they choose to abide by the legislation at all.

The tourism industry welcomes and encourages new and unique product offerings in the market that help us deliver on travellers’ expectations and differentiate Newfoundland and Labrador as a tourism destination. However, Hospitality Newfoundland and Labrador maintains that the key to success in the new reality of today’s travel and tourism sector is equity – ensuring all tourism and travel product providers operate in the spirit of legitimate competition and abide by all regulatory and licensing requirements in order to operate in the province.

Hospitality NL believes that Service NL, the department responsible for providing accessible, responsive services in the areas of public health and safety, occupational health and safety, and consumer protection, has a significant role to play when it comes to addressing the issue of unlicensed accommodations in NL. On behalf of industry, Hospitality NL is eager to participate in any process that helps to identify solutions. To further discuss this issue and potential next steps, Hospitality NL is requesting a meeting at your earliest convenience. To arrange this, I encourage you to reach out to Hospitality NL's CEO, Craig Foley, at cfoley@hnl.ca or 1-800-563-0700 ext. 232.
Comeau, Wayne

Will do, thanks Carmela.

Megan Collins, B.A., M.A.
Director of Policy and Strategic Planning / Directrice de la politique et de la planification stratégique and the Office of French Services / et du Bureau des services en français

Service NL / Service TNL
2nd Floor, West Block / 2e étage, bloc Ouest
Confederation Building / édifice de la Confédération
709.729.6470
megan.collins@gov.nl.ca

From: Murphy, Carmela
Sent: Monday, October 16, 2017 1:41 PM
To: Collins, Megan; Wheaton, Roxie T; Eastman, Dennis
Subject: RE: Correspondence from Hospitality NL

I believe our folks met with your folks on this issue. Contact Andrea Peddle director of Tourism. I can certainly speak with you about the issue.

Carmela Murphy
Assistant Deputy Minister, Tourism and Culture
Government of Newfoundland and Labrador
Tourism, Culture, Industry and Innovation
P.O. Box 8700, St. John’s NL
A1B 4J6
carmelamurphy@gov.nl.ca
709 729 2821

From: Collins, Megan
Sent: Monday, October 16, 2017 1:29 PM
To: Wheaton, Roxie T; Eastman, Dennis; Murphy, Carmela
Subject: RE: Correspondence from Hospitality NL

Carmela,

Do you have any notes on this issue you could share with us? Let me know if there is someone else in TCII I should be asking if it’s not yourself.

Many thanks,
Cc: Craig Foley <CFoley@hnl.ca>
Subject: Correspondence from Hospitality NL

Good Afternoon Minister,

Please find attached a letter and request to meet from Hospitality NL regarding the issue of unlicensed accommodations.

Regards,
Dion

Dion Finlay
Chair, Hospitality NL

P: 709-722-2000
71 Goldstone Street (Suite 102)
St. John’s, NL A1B 5C3
www.hnl.ca

From: GambinWalsh, Sherry [SherryGambinWalsh@gov.nl.ca]
Sent: Monday, August 21, 2017 2:07 PM
To: Dion Finlay
Cc: White, Kelly
Subject: RE: Copy of correspondence to Minister Mitchelmore

Thank you Dion for reaching out to me. I will address this a.s.a.p.

Sherry Gambin-Walsh, MHA
District of Placentia – St. Mary’s

Minister of Service NL
Minister of Workplace NL
Minister Responsible for Government Purchasing Agency
Government of Newfoundland and Labrador

sherrygambinwalsh@gov.nl.ca

From: Dion Finlay [mailto:dfinlay@hnl.ca]
Sent: Wednesday, August 16, 2017 1:13 PM
To: GambinWalsh, Sherry <SherryGambinWalsh@gov.nl.ca>
Subject: Copy of correspondence to Minister Mitchelmore

Good Afternoon Minister,

Please find attached a copy of a letter sent to Minister Mitchelmore, Department of Tourism, Culture, Industry and Innovation, regarding unlicensed accommodations in the province.

Regards,
July 5, 2017

Dear Mr. [Name]

Thank you for your email of June 17, 2017 concerning the growth in the shared economy and the increase in unlicensed tourism accommodations. As you are aware all jurisdictions are struggling with the rapid growth of the shared economy. We are working with Hospitality Newfoundland and Labrador (HNL) on this issue and we continue to only promote compliant accommodations in our tourism marketing programs.

The shared economy is driven by consumer demand for this type of home-based accommodation and the consumer can’t be ignored in the analysis of solutions. Legislative change is one potential solution and may be part of a combination of actions to address both the perspective of the accommodations sector and visitors to the province.

I am committed to working with the tourism industry to ensure the highest quality experience for our visitors.

Sincerely,

[Signature]

CHRISTOPHER MITCHELMORE, MHA
District of St. Barbe - L’Anse aux Meadows
Minister
For review and approval.

Lynne

Your message is ready to be sent with the following file or link attachments:

Letter of response to [redacted] re. unlicensed accommodations - June 2017 .doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
June 20, 2017

Wayne Hallett, Chairperson
The Road to the Beaches Tourism Association

Audrey Flynn, President
Bed & Breakfast Association

Dear Mr. Hallett and Ms. Flynn:

Thank you for your letter of June 16, 2017 on behalf of accommodation operators in Newfoundland and Labrador concerning the growth in the shared economy and the increase in unlicensed tourism accommodations.

As you are aware all jurisdictions are struggling with the rapid growth of the shared economy. The Department of Tourism, Culture Industry and Innovation (TCII) is not ignoring the current situation. Tourism industry discussion and positions are being formed nationally and provincially and we are fully involved and working to better understand the potential solutions.

We continue to partner with Hospitality Newfoundland and Labrador (HNL) on the Tourism Assurance Program (TAP) to promote only licensed TAP compliant accommodations in all our tourism marketing programs. Our analysis and review of the Tourist Establishments Act (TEA), unlicensed accommodations and the impact of the sharing economy has identified the challenge of addressing the issue due to limitations with the legislation and enforcement capacity. Significant resources would be required to enforce the TEA legislation and it cannot address in any timely manner the rapid growth in Airbnb to close all unlicensed tourism operations.

.../2
Jackie and folks have the edge on this...but a can offer correction on clarification and a couple of typos..see highlight

Also for a point of clarification on inspections under the Act...is it necessary to indicate who does the inspections..first bullet under secondary messages?

Under the Tourist Establishments Act and Regulations, an accommodation can only be licensed if it has been inspected (Is it necessary to include by whom ie Canada Select Program, or Service NL/Municipalities etc??(??)) and holds a minimum one star rating according to the criteria of the Canada Select Program.

Unlicensed Accommodations
June 20, 2017

Summary:
The rapid growth in peer-to-peer accommodation services such as Airbnb, VRBO.com and HomeAway is increasing the number of unlicensed accommodations operating in the province under the Tourist Establishments Act. Potential question: What is government doing to address the issue of unlicensed accommodations?

Key messages:
• Our government is committed to working in partnership with the tourism industry to ensure the highest quality experience for visitors to our province.

• Many jurisdictions are experiencing challenges with the rapid expansion of the shared economy and how to deal with these challenges.

  o Officials with the Department of Tourism, Culture, Industry and Innovation (TCII) are diligently working to better understand both the challenges and the potential solutions that have already been implemented in other jurisdictions around the world and what the successes and shortfalls of those solutions have been.

  o It is important to note that the shared economy is driven by consumer demand for this type of accommodation and the consumer should not be ignored in the analysis of solutions. It is clearly evident that the accommodation market has changed and collaboratively, we need to adapt to it.

• We can certainly appreciate that the rapid growth in peer-to-peer accommodation services such as Airbnb is increasing the number of unlicensed homes in the province.

• Our work with Hospitality Newfoundland and Labrador (HNL) also includes exploring current and future policy actions along with considering possible legislative changes to the Tourist Establishments Act.
Secondary messages:

- Under the *Tourist Establishments Act and Regulations*, an accommodation can only be licensed if it has been inspected (Is it necessary to include by whom ie Canada Select Program, or Service NL/Municipalities etc?(?)) and holds a minimum one star rating according to the criteria of the Canada Select Program.

- All tourist accommodation services in Newfoundland and Labrador must hold a license to operate as per the *Tourist Establishments Act and Regulations*.

- Owners and operators of accommodation services may be unaware of the regulations surrounding the *Tourist Establishments Act*. It is the practice of TCII to notify those operating without a license, as well as notify the appropriate municipality and Service NL, that the requirements under the *Tourist Establishments Act and Regulations* are not met.

- As collaboration is key, it is important for municipalities to be aware of the impacts and liability issues pertaining to unregulated and unlicensed tourism operations. For example, there are regulations, other than the *Tourist Establishments Act and Regulations*, that pertain to matters of fire and life safety.

- A Department official in early April presented to the Professional Municipal Administrators (Town Clerks) at their conference in Gander to continue to communicate the *Tourist Establishments Act*.

- As the Department becomes aware of potential unlicensed accommodations, the operators are contacted and provided licencing information.

ANDREA PEEDEE  
Director of Tourism  
Newfoundland and Labrador Tourism  
709 729 2831  
apeddle@gov.nl.ca

---

From: Humber, Eric  
Sent: Tuesday, June 20, 2017 1:31 PM  
To: Murphy, Carmela; Hunt-Grouchy, Michelle  
Cc: Mundon, Tansy; Harnum, Jackie; Peddle, Andrea  
Subject: RE: For app: Updated KMs - Unlicensed Accommodations

Looks like this:  
Tourism, Culture, Industry and innovation  
Unlicensed Accommodations  
June 20, 2017

Summary:  
The rapid growth in peer-to-peer accommodation services such as Airbnb, VRBO.com and HomeAway is increasing the number of unlicensed accommodations operating in the province under the *Tourist Establishments Act*. Potential question: What is government doing to address the issue of unlicensed accommodations?
• Secondary messages:

• Under the *Tourist Establishment Act and Regulations*, an accommodation can only be licensed if it has been inspected and holds a minimum one star rating according to the criteria of the Canada Select Program.

• All tourism accommodation services in Newfoundland and Labrador must hold a license to operate as per the *Tourist Establishments Act and Regulations*.

• Owners of accommodation services may be unaware of the regulations surrounding the Act. It is the practice of TCII to notify those operating without a license, as well as notify the appropriate municipality and Service NL, that the requirements under the *Tourist Establishments Act and Regulations* are not met.

• As collaboration is key, it is important for municipalities to be aware of the impacts and liability issues pertaining to unregulated and unlicensed tourism operations. For example, there are regulations, other than the Tourist Establishments Act and Regulations, that pertain to matters of fire and life safety.

• A Department official in early April presented to the Professional Municipal Administrators (Town Clerks) at their conference in Gander to continue to communicate the Tourism Establishment Act.

• As the Department becomes aware of potential unlicensed accommodations they are contacted and provided licensing information.

From: Murphy, Carmela  
Sent: Tuesday, June 20, 2017 1:27 PM  
To: Hunt-Grouchy, Michelle <MichelleHuntGrouchy@gov.nl.ca>  
Cc: Humber, Eric <EricHumber@gov.nl.ca>; Mundon, Tansy <TansyMundon@gov.nl.ca>; Harnum, Jackie <jharnum@gov.nl.ca>; Peddle, Andrea <apeddle@gov.nl.ca>  
Subject: RE: For app: Updated KMs - Unlicensed Accommodations

I added, for example. I am tracking Jackie down  
As collaboration is key, it is important for municipalities to be aware of the impacts and liability issues pertaining to unregulated and unlicensed tourism operations. For example, there are regulations, other than the Tourist Establishments Act and Regulations, that pertain to matters of fire and life safety.  
Carmela Murphy  
Assistant Deputy Minister, Tourism and Culture  
Government of Newfoundland and Labrador  
Tourism, Culture, Industry and Innovation  
P.O. Box 8700, St. John’s NL  
A1B 4J6  
carmelamuraphy@gov.nl.ca  
709 729 2821

From: Hunt-Grouchy, Michelle  
Sent: Tuesday, June 20, 2017 1:25 PM  
To: Murphy, Carmela
the Tourist Establishments Act. Potential question: What is government doing to address the issue of unlicensed accommodations?

Key messages:
• Our government is committed to working in partnership with the tourism industry to ensure the highest quality experience for visitors to our province.

• Many jurisdictions are experiencing challenges with the rapid expansion of the shared economy and how to deal with these challenges.
  
  o Officials with the Department of Tourism, Culture, Industry and Innovation (TCII) are diligently working to better understand both the challenges and the potential solutions that have already been implemented in other jurisdictions around the world and what the successes and shortfalls of those solutions have been.

  o It is important to note that the shared economy is driven by consumer demand for this type of accommodation and the consumer should not be ignored in the analysis of solutions. It is clearly evident that the accommodation market has changed and collaboratively, we need to adapt to it.

• We can certainly appreciate that the rapid growth in peer-to-peer accommodation services such as Airbnb is increasing the number of unlicensed homes in the province.

• Our work with HNL also includes exploring current and future policy actions along with considering possible legislative changes to the Tourist Establishments Act.

• In the coming weeks, HNL and TCII officials will be meeting with Airbnb to discuss ways that our tourism industry can work directly with Airbnb.

• As collaboration is key, it is important for municipalities to be aware of the impacts and liability issues pertaining to unregulated and unlicensed tourism operations. For example, there are regulations, other than the Tourist Establishments Act and Regulations, that pertain to matters of fire and life safety.
Dear

Thank you for your letter on behalf of accommodation operators throughout Newfoundland and Labrador concerning the growth in the shared economy and the increase in unlicensed tourism accommodations.

As you are aware all jurisdictions are struggling with the explosion of the shared economy and how to deal with the issue and tourism Industry positions are being formed nationally and provincially that are not solely based in provincial regulations. We are diligently working to better understand the potential solutions that have already been implemented in other jurisdictions around the world and what the successes and shortfalls of those plans have been. TCII has not abdicated its responsibility nor are we ignoring the current situation. I appreciate that the rapid growth in peer-to-peer accommodation services such as Airbnb is increasing the number of unlicensed homes in the province.

The Department of Tourism Culture and industry and Innovation (TCII) does follow up with owner as we become aware and when possible. We continue to partner with Hospitality Newfoundland and Labrador (HNL) on the Tourism Assurance Program (TAP) to promote only licensed TAP compliant accommodations in all our tourism marketing programs. Our analysis and review of the Tourist Establishment Act, unlicensed accommodations and the impact of the sharing economy has identified the challenge of addressing the issue, due to limitations with existing legislation and enforcement capacity. Significant resources would be required to strengthen and enforce existing legislation and with the rapid growth of the sharing economy, a long term solution that reflects changing customer preferences is required to effectively address the issue of unlicensed accommodation.

The shared economy is driven by consumer demand for this type of accommodation and the consumer can't be ignored in the analysis of solutions. Further consideration is required to explore current and future policy actions that considers the perspective of the accommodations sector and also assesses the issue from the consumer perspective. Legislative change is a possibility and may be part of a combination of solutions which need to be determined. The main policy goal is to ensure fairness in the industry.

I am committed to working in partnership with the tourism industry to ensure the highest quality experience for our visitors.
Comeau, Wayne

From: Mitchelmore, Christopher
Sent: Monday, June 19, 2017 1:20 PM
To: Murphy, Carmela; Humber, Eric; Lomond, Ted
Cc: Hunt-Grouchy, Michelle; Mundon, Tansy; George, Bradley
Subject: Re: Media requests

My Swiss friend and I were talking about measures that the Swiss took against UBER regarding social security payments that is going through courts now.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Murphy, Carmela
Sent: Monday, June 19, 2017 5:48 PM
To: Mitchelmore, Christopher; Humber, Eric; Lomond, Ted
Cc: Hunt-Grouchy, Michelle; Mundon, Tansy; George, Bradley
Subject: Re: Media requests

All correct. I am preparing a draft response outlining the work and options being explored with HNL.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Mitchelmore, Christopher
Sent: Monday, June 19, 2017 1:11 PM
To: Humber, Eric; Lomond, Ted; Murphy, Carmela
Cc: Hunt-Grouchy, Michelle; Mundon, Tansy; George, Bradley
Subject: Re: Media requests

It is not something that can be readily solved. The shared economy such as Couch Surfing, Ride Share, Uber, Air BnB and others are disruptive to traditional business, so is the underground economy. It exists across sectors, the only way to eliminate is to create a cashless society. A number of BnBs use Airbnb or other travel booking sites to fill up their accommodations.

We could advise that operators must comply with our tourism establishment act and we would encourage anyone to make our officials aware of unlicensed accommodations and we will look into the matter. We will also look at what other jurisdictions are doing and determine what or if any policy, regulatory or legislature changes are needed.

I am open to hearing feedback or messaging on the matter, Dion Finley advised via Twitter he would respond from HNL.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Humber, Eric
Sent: Monday, June 19, 2017 5:35 PM
To: Mitchelmore, Christopher; Lomond, Ted; Murphy, Carmela
Cc: Hunt-Grouchy, Michelle; Mundon, Tansy; George, Bradley
Subject: Media requests

Hi Minister,
From: Mitchelmore, Christopher  
Sent: Monday, June 19, 2017 1:11 PM  
To: Humber, Eric; Lomond, Ted; Murphy, Carmela  
Cc: Hunt-Grouchy, Michelle; Mundon, Tansi; George, Bradley  
Subject: Re: Media requests

It is not something that can be readily solved. The shared economy such as Couch Surfing, Ride Share, Uber, Air BnB and others are disruptive to traditional business, so is the underground economy. It exists across sectors, the only way to eliminate is to create a cashless society. A number of BnBs use Airbnb or other travel booking sites to fill up their accommodations.

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Sent from my BlackBerry 10 smartphone on the Bell network.

From: Humber, Eric  
Sent: Monday, June 19, 2017 5:35 PM  
To: Mitchelmore, Christopher; Lomond, Ted; Murphy, Carmela  
Cc: Hunt-Grouchy, Michelle; Mundon, Tansi; George, Bradley  
Subject: Media requests

Hi Minister,

As of 1pm Monday, we have three media requests regarding the concerns raised by [REDACTED] around Airbnb's. VOCM morning show has reached out, along with Danielle Barron of NTV, as well as Leigh Anne Power with CBC Radio.

I have informed all you were unavailable until later in the week.

Please advise if there are any changes.

Also, I have attached an audio file of Mr. Fenwick on Open Line - this issue got a lot of play on today’s show.

Thanks,

Eric

Eric Humber  
Media Relations Manager  
Department of Tourism, Culture, Industry and Innovation  
Government of Newfoundland and Labrador  
O: 709-729-4819  
C: 709-725-9655
Comeau, Wayne

From: Peddie, Andrea
Sent: Monday, June 19, 2017 11:35 AM
To: Humber, Eric; Murphy, Carmela
Cc: Hunt-Grouchly, Michelle; Mundon, Tansy
Subject: RE: B&B regs enforcement

Online ads? I assume they are referring to listings (aka ads) on Air B&B?

Air B&B is a popular communication channel and many licensed B&B operators currently use this as a marketing channel and see it as very valuable to their marketing.

In fact Peter Fenwick on VOCM Open Line this year morning encouraged licensed B&B's to list on Air B&B.

As per the messaging Carmela also provided to you previously,
- We are working with HNL to explore current and future policy actions around the shared economy and the issue of unlicensed accommodations.
- On June 27th, HNL is having an meeting with Air B&B on ways that the Tourism industry can work with them.

Andrea
ANDREA PEDDLE
Director of Tourism
Newfoundland and Labrador Tourism
709 729 2831
apeddle@gov.nl.ca

From: Humber, Eric
Sent: Monday, June 19, 2017 11:13 AM
To: Murphy, Carmela; Peddle, Andrea
Cc: Hunt-Grouchly, Michelle; Mundon, Tansy
Subject: FW: B&B regs enforcement

See below.

From: Leigh Anne Power [mailto:leigh.anne.power@cbc.ca]
Sent: Monday, June 19, 2017 11:12 AM
To: Humber, Eric <EricHumber@gov.nl.ca>
Subject: B&B regs enforcement

Hi Eric.

This is in response to a concern raised to us by the province's B&B association. We know under-the-table accommodations have been a problem for businesses who pay regulatory fees to the province because it skews the profit margins in favour of those who don't pay to register.

However, they association is now saying online ads for unregistered accommodations are seriously cutting into their bottom line and they'd like the province to regulate them. I'd love to speak to someone about whether there's anything the province can actually do in this case.

Thanks,
Leigh Anne
FYI

Craig Foley

Begin forwarded message:

From: 'Craig Foley' <CFoley@hnl.ca>
Date: June 15, 2017 at 2:22:01 PM NDT
To: [redacted]
Cc: [redacted]
Subject: RE: Correspondence

Thank you for your considered reply.

I believe that I understand the complexity of the matter, if we view the problem to be one of a sharing economy through Airbnb and similar platforms but I sincerely believe that there is a much easier way to address this issue - if we view the problem from a licencing perspective. While TAP raised the bar, unlicensed establishments are lowering it. All that effort, all that was accomplished is being jeopardized because we fail to take action to address unlicensed establishments. We need to plainly identify those that are licensed and encourage visitors to patronize these establishments. Then we charge/make examples of those that are not. We have had this matter on the agenda of HNL for ten years or more. It is time to act to protect the industry, to protect the brand and most importantly to champion our members. I am very concerned that we will lose some of the leading operators in the industry if we do not address this matter sooner rather than later.

I believe that I am and have always been a patient person but this matter is rapidly growing out of control. 10 years is long enough to be patient. I champion this issue because I sincerely believe it is, in the very near future, going to negatively impact all that we have worked for and accomplished.

I am hearing from Road to the Beaches members that I have never had a conversation with in the past. This issue is of concern and our action will garner HNL and the Tourism Board significant support.

Thank you again.

TerraNovas Tourism Association Inc.
operating as
The Road to the Beaches Tourism Association
P. O. Box 154, Glovertown, NL, A0G 2L0
e-mail: roadtothebeaches@gmail.com
www.roadtothebeaches.ca
Hi,

I’d like to thank you for continuing to share stories and experiences from travellers and fellow operators who are being impacted by unlicensed accommodation practices. Every experience shared helps the tourism industry build a stronger case for regulation of the underground market. I want to assure you that Hospitality NL is not sitting idly by while this issue continues to compound, affecting our members’ ability to do business. The sharing economy is a point of discussion and planning every day at the Hospitality NL office, and the team is in regular contact (2-3 times per week) with Directors, Managers and Leaders at the Department of Tourism, Culture, Industry & Innovation, regional DMOs and other business/industry associations (including national organizations) to discuss potential solutions and next steps. Currently, Hospitality NL is:

- preparing communications to industry outlining what we’ve heard, potential next steps, as well as a formal feedback mechanism to hear first-hand accounts from industry operators, such as the ones you’ve shared below.
- setting up a committee of HNL Board Members tasked with ensuring steps are taken towards finding a solution.
- preparing to meet with a representative from Airbnb to learn more about how cities and jurisdictions have partnered with their organization to help address the proliferation of unlicensed accommodations using their platform.

The more HNL hears from operators, the better our understanding becomes of the ground level impacts this global issue is having. Hospitality NL is diligently working to better understand the potential solutions that have already been implemented in other jurisdictions around the world and what the successes and shortfalls of those plans have been.

A solution to this issue will involve all tourism industry partners and stakeholders and can only be achieved if we continue to work together and present a united front. Once again thank you for continuing to champion this issue on behalf of the industry in your region.

Sincerely,
Dion
We welcome a response that includes a response time-line and the actions proposed to address this problem.

Respectfully,

TerraNovas Tourism Association Inc.
operating as
The Road to the Beaches Tourism Association
P. O. Box 154, Glovertown, NL, A0G 2L0
e-mail: roadtothebeaches@gmail.com
www.roadtothebeaches.ca
The Festival Capital of Newfoundland and Labrador
Please review and ok to forward.

Lynne

Your message is ready to be sent with the following file or link attachments:

Letter of response re. unlicensed accommodation in NL.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
Thank you for your email of May 29, 2017 regarding unlicensed accommodation in Newfoundland and Labrador. The Department of Tourism, Culture Industry and Innovation (TCII) is committed to ensuring quality accommodations for our visitors. We continue to partner with Hospitality Newfoundland and Labrador (HNL) on the Tourism Assurance Program (TAP) to promote only licensed TAP compliant accommodations in our tourism marketing programs.

I appreciate that the rapid growth in peer-to-peer accommodation services such as Airbnb is increasing the number of unlicensed homes in the province. TCII does follow up with owners operating without a license and we also notify the appropriate municipality as well as, the Department of Service NL. We often find that those we contact will become licensed as many are not aware of the requirements of the Tourist Establishments Act.

We are working with HNL to explore current and future policy actions, including legislation around the shared economy and the issue of unlicensed accommodations. The goal is to ensure fairness in the industry as we work together to encourage visitors to use licensed accommodations and to discuss a process to identify and notify those people who are operating without a Tourist Establishment license.

I am committed to working in partnership with the tourism industry to ensure the highest quality experience for our visitors.

Sincerely,

CHRISTOPHER MITCHELMORE, MHA
District of St. Barbe - L’Anse aux Meadows
Minister

c. All MHA’s
Looks good.
CA

---

Carol-Ann Gilliard
Director, Sector Diversification
Department of Tourism, Culture, Industry and Innovation
2nd floor West Block, Confederation Building
P.O. Box 8700
St. John's, NL, A1B 4J6
e: carolannegilliard@gov.nl.ca
(709) 729-1708

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Hi all, please review – attached and pasted below, added Q/A at end.

EH

/\\

Department of Tourism, Culture, Industry and Innovation
Q & As - 2017-20 Provincial Tourism Product Development Plan Launch
Monday, May 1, 2017

Q1. What is the 2017-20 PD Plan?

- The PD Plan outlines tourism development priorities for the province and five tourism regions for the next three years.

- It is focused on creating high quality, high value people and program-based experiences that celebrate our people, place and culture.

- The PD Plan is one of many action oriented plans that guide the marketing and development of the tourism industry. Our government is also committed to a renewal of the Cultural Plan. Our culture is a pillar of tourism experience development.
Today's travellers want to truly experience Newfoundland and Labrador by connecting with our history, people and culture through active participation in experiences which are characteristic of our province. Specifically our lifestyle, our history, art, food, and traditions.

People and program-based experiences are those that connect visitors with locals, through programming and the delivery of authentic experiences around Newfoundland and Labrador’s culture, attractions, activities, food, music, theatre, stories, art, heritage and craft.

Q6. What are “Brand” Experiences?

- Brand experiences reflect and celebrate Newfoundland and Labrador’s unique people, natural environment and culture.

Q7. Why is there little mention of the outfitting sector in the PD Plan?

- The PD Plan outlines the key areas of focus for tourism businesses and organizations in Newfoundland and Labrador, including outfitters.

- TCII works with the Newfoundland and Labrador Outfitters Association (NLOA) and individual outfitters on marketing and other partnerships activities specific to the outfitting sector.

Q8. Why doesn’t the PD Plan address the shared economy (AirBnB)?

- Growth in peer-to-peer accommodation services such as Airbnb, VRBO.com and HomeAway is increasing not only our province, but across the country and the world.

- Many jurisdictions are struggling with rapid evolution of the shared economy, and how to deal with the issue.

- We continue to work with Hospitality Newfoundland and Labrador to explore current and future policy actions around the shared economy and the issue of unlicensed accommodations.

---

Eric Humber  
Media Relations Manager  
Department of Tourism, Culture, Industry and Innovation  
Government of Newfoundland and Labrador  
O: 709-729-4819  
C: 709-725-9655  
erichumber@gov.nl.ca
From: Humber, Eric  
Sent: Wednesday, February 08, 2017 10:38 AM  
To: Mitchelmore, Christopher; Lomond, Ted; Murphy, Carmela  
Cc: George, Bradley; Hunt-Grouchy, Michelle  
Subject: MEDIA - CBC Morning Show re: sharing economy-unlicensed accommodations  
Importance: High

Hi Minister,

We have a media request from Krissy Holmes of the CBC Morning Show for a live interview Thursday morning regarding the sharing economy-unlicensed accommodations.

It would be in response to a Peter Fenwick interview from this morning (Michelle has submitted a transcript request).

BTRCD provided the statement below regarding this same issue to Ted Blades one month ago:

The rapid growth in peer-to-peer accommodation services such as Airbnb, VRBO.com and HomeAway is increasing the number of unlicensed homes in not only our province, but across the country and the world.

Many jurisdictions are struggling with the explosion of the shared economy, and how to deal with the issue.

Airbnb positions itself as not being in direct competition with traditional hotels, and argues that it serves a niche travel market which is different from traditional commercial accommodations. Licensed tourism operators, who pay taxes, and meet regulatory requirements, are concerned there is not a fair playing field.

We are working with HNL to explore current and future policy actions around the shared economy and the issue of unlicensed accommodations
For trim and send to ted
Meeting Note
Department of Business, Tourism, Culture and Rural Development
Hospitality Newfoundland and Labrador
January 30th, 2017 – 1:00 p.m.
Minister’s Boardroom - BTCRD

Attendees:  Minister Mitchelmore
           Ted Lomond, Deputy Minister
           Carmela Murphy, ADM
           Dion Finlay, Chair, Hospitality Newfoundland and Labrador
           Craig Foley, CEO, Hospitality Newfoundland and Labrador

Purpose of Meeting:
• Hospitality Newfoundland and Labrador has requested to meet with Minister Mitchelmore to
discuss areas of key importance to the tourism industry.

Background:
• Hospitality NL is the provincial tourism industry association representing over 500 tourism
services and attractions throughout Newfoundland and Labrador. The organization has a
mandate to advocate on behalf of its members on industry issues, engage industry in skills
and knowledge development and encourage membership/networking partnerships in the
tourism industry.

• Hospitality NL is the provincial industry association partner on the Newfoundland and
Labrador Tourism Board, the private-public collaborative board that oversees the
implementation of Uncommon Potential: A Vision for Newfoundland and Labrador Tourism,
with the goal of increasing tourism spending to $1.6 billion by 2020.

Agenda item #2 (Unlicensed Accommodations and the Sharing Economy)
• HNL has expressed concern about the negative impact that unlicensed and unregulated
accommodation is having on licensed accommodations that follow the regulations of the
Tourist Establishment Act.
Agenda item #4 (Hospitality NL. Conference)

- Hospitality NL’s Conference is being held in Gander on February 21-23, 2017 and BCTRD has sponsored the Opening Luncheon on Wednesday, February 22nd at which the Minister will provide his annual address to the tourism industry and present two provincial tourism awards.

Analysis

- BCTRD will participate in a panel discussion about the Sharing Economy on Wednesday, February 22nd.

- BCTRD will lead a product development presentation and panel discussion on Thursday, February 23rd.

Potential Speaking Points

- BCTRD will ensure that there are key representatives present during the entire conference and values its partnership with Hospitality NL.

Proposed Actions

- BCTRD will work with Hospitality NL to work through details of conference participation.

Prepared/Approved by: C. Gilliard/C. Murphy)
Ministerial Approval: T. Lomond (pending)
Received from Hon. Chris Mitchelmore (pending)

January 28, 2017
Question:
Do AirBnB operators violate that law?

Response:
Under the *Tourist Establishment Act and Regulations*, accommodation services can only be licensed if it has been inspected and holds a minimum one star rating according to the criteria of the Canada Select Program.

All tourism accommodation services in Newfoundland and Labrador must hold license to operate as per the *Tourist Establishments Act and Regulations*.

Many owners of accommodation services are unaware of the regulations surrounding the Act. It is the practice of the Department of Business, Tourism, Culture and Rural Development to notify those operating without a license, as well as notifying the appropriate municipality and Service NL, that the requirements under the *Tourist Establishments Act and Regulations* are not met.

The department is committed to ensuring quality accommodations for our visitors, and we only promote licensed accommodations in our tourism marketing programs. We partner with Hospitality Newfoundland and Labrador (HNL) to deliver the Tourism Assurance Program (TAP), which establishes common minimum standards in the tourism industry.

We continue to work with HNL to explore current and future policy actions around the shared economy and the issue of unlicensed accommodations.

Eric Humber
Media Relations Manager
Department of Business, Tourism, Culture and Rural Development
Government of Newfoundland and Labrador
O: 709-729-4819
C: 709-725-9655
erichumber@gov.nl.ca
Recent consultations with Hospitality NL indicate that accommodation operators in the tourism industry are increasingly concerned with the growth in unlicensed accommodation. The rapid growth in sharing economy services, such as Airbnb, VRBO.com and HomeAway, is increasing the number of unlicensed accommodations operating in the province. Hospitality NL estimates that there are over 150 unlicensed accommodation providers operating in the province, competing against approximately 700 licensed operators. We do not have a clear understanding of the actual volume of unlicensed accommodations.

Unlicensed and unregulated accommodations are viewed as unfairly competing with licensed operators. They are not rated by Canada Select, may not collect taxes or pay taxes, may not meet health and safety regulations, carry liability insurance and support the provincial economy. Hospitality Newfoundland and Labrador appreciates the addition of new and different accommodation types but only if they meet the same requirements of legitimate, licensed accommodations.

HNL has requested that BTCRD explore policy and enforcement around unlicensed accommodations. Past analysis efforts of the Tourist Establishment Act with respect to unlicensed accommodations and the impact of the sharing economy has identified a number of challenges:

- Lack of resources to enforce the existing legislation
- Not all existing operations are licensed, and existing provincial regulations do not apply to all accommodation types.
- Existing regulations have no utility relative to the growth in the sharing economy.
Department of Business, Tourism, Culture and Rural Development
Unlicensed Accommodation
November 10, 2016

Summary:
The rapid growth in peer-to-peer accommodation services such as Airbnb, VRBO.com and HomeAway is increasing the number of unlicensed homes in the province under the Tourist Establishments Act.

Key messages:

- It is the current practice of BTCRD to notify owners of accommodation services in the province who are operating without a license.

- As is often the case, those who are contacted will become licensed, as many operators are not aware of the requirements of the Tourist Establishments Act.

- The main policy goal is to ensure fairness in the industry.

- We are committed to ensuring quality accommodations for our visitors and we partner with Hospitality Newfoundland and Labrador (HNL) on the Tourism Assurance Program (TAP) to promote only licensed TAP compliant accommodations in our tourism marketing programs.

- Unregulated accommodation across the province is seen to be jeopardizing the success of the province’s tourism industry. Airbnb is seen to be a business where it’s unlicensed, they don’t collect taxes, they don’t pay taxes, may not meet health and safety regulations, carry liability insurance and they don’t support the economy.

- We are working with HNL to explore current and future policy actions around the shared economy and the issue of unlicensed accommodations.
Yes and yes

Carmela Murphy  
Assistant Deputy Minister, Tourism and Culture  
Department of Business, Tourism, Culture and Rural Development  
2nd floor West Block, Confederation Building  
P.O. Box 8700  
St. John’s, NL, A1B 4J6  
e: carmelamurphy@gov.nl.ca  
(709) 729-2821

From: Gilliard, Carol-Ann  
Sent: Thursday, November 10, 2016 8:28 AM  
To: Murphy, Carmela  
Subject: IN 2016 Sharing Economy- Unlicensed_Accommodations.doc

Hi Carmela,  
I updated this information note in prep for HOA. Will this do? I think you may be looking for a more brief overview of key messages for the Minister so I can do that if you need.  
CA
Information Note

Department of Business Tourism, Culture and Rural Development

Title: Sharing Economy and Unlicensed Accommodations

Issue: The growth of unlicensed peer-to-peer accommodation services in the province and The Tourist Establishments Act

Background and Current Status:
- The rapid growth in peer-to-peer accommodation services such as Airbnb, VRBO.com and HomeAway is increasing the number of unlicensed homes in the province under the Tourist Establishments Act.
- Tourism entities that are currently licensed in this province are roofed accommodations (hotels/motels, bed and breakfasts, cottages and inns), private campgrounds and outfitters. In this province, these establishments must meet a minimum of a one-star rating with Canada Select, a national accommodations rating program, to be eligible for licensing.
- Airbnb positions itself as not being in direct competition with traditional hotels, and argues that it serves a niche travel market which is different from traditional commercial roofed accommodations (different market, enough room for both). Since 2008, Airbnb has more than one million listings in 34,000 cities and 190 countries around the world. Guests pay Airbnb up front when they book, but the money is not released to hosts until 24 hours after check-in. It is free to post a listing, but Airbnb takes a 3-per-cent host-service fee.
- Taxation/tax evasion/level playing field. As commercial enterprises, hotels pay many government fees and remit commercial taxes which are an important source of revenue to government especially during times of fiscal restraint. Airbnb is seen as providing a commercial service without paying commercial taxes.
- Industry positions are being formed, nationally and provincially, mainly on the side of regulations. Accommodations, food and beverage are heavily regulated (for safety) and this is something governments must consider.
- The Quebec government is the first province in the country to regulate online home-sharing services such as Airbnb. In Quebec, residents are not allowed to advertise online or rent out their home on a regular basis — for fewer than 31 days — without registering and paying a $250 fee.
- The main policy goal is to ensure fairness in the industry. Over the last few years, Quebec's hotel industry has said the new trend is cutting into its members' profits. The Quebec government says its other goal is to ensure that hotels are not the only ones pitching in to pay for the promotion of tourism.

Position of Hospitality NL:
- Unregulated accommodation across the province is seen to be jeopardizing the success of the province's tourism industry. Airbnb is seen to be a business where it's unlicensed, they don't collect taxes, they don't pay taxes, may not meet health and safety regulations, carry liability insurance and they don't support the economy.
- HNL appreciates the addition of new and different accommodation types to the province but only if they meet the same requirements of legitimate businesses. Airbnb is creating an unfair
Based on changing consumer practices and demands, further consideration is required to assess this issue from the consumer perspective.

The existing *Tourist Establishment Act* is inadequate relative to this issue, and beyond facilitating the collection of monthly occupancy statistics, has limited utility.

**Action Being Taken:**

- BTCRD continues to work with HNL to look for ways to encourage visitors to use licensed accommodations and to discuss a process to identify and notify those people operating without a Tourist Establishment License to become licensed.
- The extent and timing of possible legislative changes is to be determined.
- Quebec and Ontario will be providing updates at the CCTM on action being taken relative to the sharing economy.

January 7, 2016
Want me to add anything?

---

From: Miller Pitt, Janet  
Sent: Tuesday, September 08, 2015 2:04 PM  
To: Sampson, Philip; Erwin, John  
Cc:  
Subject: RE: Home-sharing services

Dear [Redacted]

Will check right away by copy of this e-mail. This is in another department but I am sure it is on their radar if not part of policy discussions already, both in the department and with the Hospitality Industry Association, HNL (see below).

Background:

- There are 490 Rentals listed for Newfoundland and Labrador listed on the [https://www.airbnb.ca/s/Newfoundland-and-Labrador--Canada](https://www.airbnb.ca/s/Newfoundland-and-Labrador--Canada) site as of today (September 8, 2015). This is up from 340 listed in April 2015.
- Airbnb positions itself as not being in direct competition with traditional hotels, and argues that it serves a niche travel market which is different from traditional commercial roofed accommodations (different market, enough room for both). Since 2008, Airbnb has more than one million listings in 34,000 cities and 190 countries around the world. Guests pay Airbnb up front when they book, but the money is not released to hosts until 24 hours after check-in. It is free to post a listing, but Airbnb takes a 3-per-cent host-service fee. Those booking rooms or homes pay a 6- to 12-per-cent guest-service surcharge, depending on the listing. The company's valuation as of earlier in 2015 was at or over $20 billion (U.S.). Airbnb says its average length of stay is 4.5 nights, about double that of a hotel, arguing it is helping to boost overall travel, especially given 72 per cent of listings are not in hotel districts.
- Demand also surges during special events such as around the Pride parade and the Toronto International Film Festival. Airbnb is already reporting a jump in bookings for stays during this summer’s Pan Am Games in Toronto as well as in Canadian cities hosting games for the FIFA Women’s World Cup.

Quebec:

- The Quebec government plans to table a bill regulating online home-sharing services such as Airbnb, making it the first province in the country to crack down on the practice of renting rooms without a permit. In Quebec, residents are not allowed to advertise online or rent out their apartment on a regular basis — for fewer than 31 days — without registering and paying a $250 fee. See [http://www.cbc.ca/news/canada/montreal/airbnb-to-be-targeted-in-quebec-bill-1.3052704](http://www.cbc.ca/news/canada/montreal/airbnb-to-be-targeted-in-quebec-bill-1.3052704)
- The legislation would impose an accommodation tax. Also, there would be a fee equivalent to what hotels pay to the Quebec Tourism Industry Corporation for the classification of their establishment. Quebec is also reportedly considering modelling itself after a practice used in other cities, such as San Francisco, where users are also charged a fee.
- The main policy goal is to ensure fairness in the industry. Over the last few years, Quebec’s hotel industry has said the new trend is cutting into its members’ profits. The Quebec government says its other goal is to ensure that hotels are not the only ones pitching in to pay for the promotion of tourism.
Hi Carmela,

Thanks, I will accordingly file for future use / editing as required.

I also had prepared a first draft (attached) of an information note on the unlicensed accommodations issue. If you wish, I will provide it to Andrea for her review and comment in preparation for a possible 2015 meeting. Otherwise, I will file for future review / edit.

Thanks,
John

JOHN ERWIN, Ph.D. | Senior Policy, Planning and Research Analyst
Department of Business, Tourism, Culture and Rural Development
Government of Newfoundland and Labrador
P.O. Box 8700, St. John’s NL A1B 4J6

709-729-3402 | johnerwin@gov.nl.ca

Draft for the FPT file should the meeting go ahead in 2015. We can edit as required.
Title: Unlicensed Accommodations

Issue: Violations of the Tourist Establishments Act by rapid growing and unlicensed peer-to-peer accommodation services in the province.

Background and Current Status:
- The rapid growth in peer-to-peer accommodation services such as Airbnb, VRBO.com and HomeAway is increasing the number of unlicensed homes in the province.
- Tourism entities that are currently licensed in this province are roofed accommodations (hotels/motels, bed and breakfasts, cottages and inns), private campgrounds and outfitters. In this province, these establishments must meet a minimum of a one-star rating with Canada Select, a national accommodations rating program, to be eligible for licensing.
- It is the current practice of the Department of Business, Tourism, Culture and Rural Development (BTRCD) to notify the owners of accommodation services in the province who are operating without a license. In such cases, BTRCD will also notify the appropriate municipality and Service NL. As is often the case, those who are contacted will become licensed, as many operators are not aware of the requirements of the Tourist Establishments Act.
- Though a person in violation of the Tourist Establishments Act is liable to a fine of not more than $2,000, and in default of payment, to imprisonment for a period not exceeding three months, BTRCD staff does not have the training, capacity or formal authority to lay a charge under the Act. This requires investigation, documented evidence, the involvement of the police and prosecutions, and then due process in court. Such a process requires significant human and financial resources.
- Committed to ensuring quality accommodations for our visitors, BTRCD continues to partner with Hospitality Newfoundland and Labrador (HNL) on the Tourism Assurance Program (TAP) to promote only licensed TAP compliant accommodations in our tourism marketing programs.

Analysis:
- A Tourism Establishment Act and Regulations Review Committee was formed and consultations with industry took place in spring and summer 2012. The main objectives of the consultations were to communicate research findings and pertinent details of the Act and Regulations to the main internal and external stakeholders, to engage internal and external stakeholders in a dialogue and to obtain feedback and direction regarding the need for the legislation to meet existing reality in the industry and government. The review identified a number of challenges, including:
  - Lack of resources to enforce the existing legislation
  - Not all existing operations are licensed, and existing provincial regulations do not apply to all accommodation types.
  - The Canada Select rating, the current regulatory standard for licensing accommodations (necessary for a roofed establishment or private campground) does not rate all tourism entities that are licensed.
Letter that was drafted to HNL re the shared economy and unlicensed accommodation. I will also send the most recent note I can find on the TEA.

Carmela Murphy
Assistant Deputy Minister, Tourism and Culture Department of Business, Tourism, Culture and Rural Development 2nd floor West Block, Confederation Building P.O. Box 8700 St. John's, NL, A1B 4J6
e: carmelamurphy@gov.nl.ca
(709) 729-2821

-----Original Message-----
From: Rideout, Lynne
Sent: Thursday, July 23, 2015 2:12 PM
To: Murphy, Carmela
Subject: FW: Emailing: Letter to Rex Avery re. unlicensed accommodations.doc

Just wondering if I can forward on.

Lynne

-----Original Message-----
From: Rideout, Lynne
Sent: Wednesday, July 22, 2015 3:58 PM
To: Murphy, Carmela
Subject: Emailing: Letter to Rex Avery re. unlicensed accommodations.doc

For your review and approval for forwarding on.

Lynne

Your message is ready to be sent with the following file or link attachments:

Letter to Rex Avery re. unlicensed accommodations.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.
July 23, 2015

Mr. Rex Avery
Chair, Hospitality Newfoundland and Labrador
71 Goldstone Street, Suite 102
St. John’s, NL
A1B 5C3

Dear Mr. Avery:

Thank you for your letter of July 6, 2015, regarding unlicensed accommodations in Newfoundland and Labrador.

The Department of Business, Tourism, Culture and Rural Development (BTCRD) is committed to ensuring quality accommodations for our visitors. We continue to partner with Hospitality Newfoundland and Labrador (HNL) on the Tourism Assurance Program (TAP) to promote only licensed TAP compliant accommodations in our tourism marketing programs.

I appreciate that the rapid growth in peer-to-peer accommodation services such as Airbnb, VRBO.com and HomeAway is increasing the number of unlicensed homes in the province. BTCRD does follow up with owners operating without a license and we also notify the appropriate municipality and Service NL. We often find that those we contact will become licensed as many are not aware of the requirements of the Tourist Establishments Act.

While a person who violates a regulation made under this Act is guilty of an offence and liable on summary conviction to a fine of not more than $2,000, and in default of payment, to imprisonment for a period not exceeding three months, BTCRD staff do not have the training, capacity or formal authority to lay a charge under the Act. This requires investigation, documented evidence, the involvement of the police and prosecutions, and then due process in court. Such a process requires significant human and financial resources.

I have asked Carmela Murphy, Assistant Deputy Minister of Tourism and Culture to meet with Carol Ann Gilliard and work together to encourage visitors to use licensed accommodations and to discuss a process to identify and notify those people operating without a Tourist Establishment License.
In light of what you just provided – how about the following?

Key Messages – Non-Licensed Vacation Homes and Rental Properties

- In Newfoundland and Labrador, under the Tourist Establishment Act, accommodations must be licensed by the Department of Business, Tourism, Culture and Rural Development to operate an overnight accommodation facility.

- Some vacation rental properties offered by the owners on various websites and social media channels are actually private homes and are not licensed by the province.

- We would recommend that buyer beware in using non-licensed accommodations.

- We are observing jurisdictions like Quebec and Ontario in order to learn more about their action plans and how we can learn from their industries.

- The Department will continue to work closely with Canada Select, the Tourism Board, Destination Management Organizations and Municipalities throughout the province on ways to address the increasing number of these types of rentals.

- If the Department becomes aware of an unlicensed property being offered to tourist the Department will make contact the Property owner and let them know they are required to be licensed under the Tourist Establishments Act.
Hi,

Our committee meeting is set for Monday at 10:00am.

Carmela, I'm assuming you will want to lead much of the conversation. Jackie and I have discussed some of what we may want to cover. I could create a brief PowerPoint to keep the discussion focused as shown in the bullets below. Main messages throughout can be that enforcement can't be a viable option but we can ensure legislation backs some minimum requirements for protection of clients and operators. Legislation can only do so much and programs like TAP and Canada Select may be the best way to ensure/improve quality of the product.

Our last meeting was April 26, discussion included:

- Unlicensed properties
  - Benefits of license for an operator
  - Enforcement options – Industry led in other provinces
  - Dealing with “other” accommodations like hostels, cabins, boarding house, etc.
  - Not capturing all of supply and demand because of unlicensed properties
  - Extreme spikes of tourists in summer with nowhere to stay
- Quality Assurance
  - Focusing on the experience like “Trip Advisor”
  - Issues with Canada Select
  - Social Media
- “Legitimizing” tourism industry

Potential PowerPoint topics

1. Status of Review
   - Justice comments
   - Changes or existence of legislation are Dept. policy issues – no legal requirements

2. Other Jurisdictions
   - Closer examination of legislation
   - Majority don’t have licensing requirements
     - Approved quality programs
   - Do have some form of tourism legislation which may include
     - Marketing, promotion, information services, etc.
     - Registry
     - Occupancy reports

3. TAP
   - Significant to this process
   - What will be required once in place
   - Don’t want to have two programs (TAP vs License)
Information Note
Department of Tourism, Culture and Recreation

Title: Status of Tourist Establishments Legislation Review

Issue: An update on the review of then Tourist Establishment Act and Regulations

Background

- The Tourist Establishments Act was proclaimed before 1970 with amendments in 1993. The amendments to the Act removed TCR’s responsibility for doing inspections to ensure health, life and safety standards and facility quality standards.
- The Tourist Establishments Regulations were proclaimed in 1994. These regulations define the type of tourism businesses and establishments that require licensing, conditions for obtaining a licence, and obligations associated with the licence.
- The Regulations require establishments to meet a minimum of a one star rating with Canada Select; submit operational statistics on a monthly basis; provide a yearly rate schedule to the department; and maintain a registry of their guests. The department must refuse licenses to establishments that do not meet the regulation or another law, regulation or by-law applicable to the establishments.
- Establishments that are in compliance with the Regulations are included in the department’s advertising – print materials and website.

Identified Problems

- The Department does not verify compliance with the legislative requirements for licensing including the required compliance with other acts and regulations.
- No Government enforcement program:
  - Potential false perception that establishments are licensed and therefore meet minimum health and safety standards;
  - There has never been an operator charged for operating without a licence - letters are written to accommodation operating without license, but no further action is taken.
- It is recognized that there are many unlicensed establishments.
- Tourist information centres, tour companies and boat tours are currently required to have a licence under legislation but no licensing program exists for these establishments.

Current Status

- Stakeholder consultations occurred in the Spring/Summer 2012. Those in attendance favoured having updated legislation to maintain minimum standards of quality; however they questioned the purpose of legislation with no enforcement mechanism.
- A Tourism Establishment Licensing Committee was formed composed of representatives from the tourism industry and TCR. The committee has reviewed the feedback from the public consultation process and met are examining the overarching issues facing the tourist accommodation sector.
Wayne Hallett  
Chariperson  
The Road to the Beaches  
P.O. Box 514  
Glovertown, NL  
AOG 2L0  
roadtothebeaches@gmail.com

Dear Mr. Hallett:

Thank you for your letter of July 11, 2017 outlining the concerns that your organization has with the sharing economy and the operation of unlicensed accommodations in the province.

At the present time the practice for a roofed accommodation to operate are as follows:
  - Submission of Tourism Operator Profile – Tourist Establishment Licencing Application to Tourism, Culture, Industry and Innovation (TCII)
  - Canada Select NL inspection with a minimum one start rating submitted to TCII and participation fee payment through Tourism Quality Assurance
  - Fire and Life Safety Plan Review & Building Accessibility Registration through Service NL, Government Service Centre
  - Fire Inspection Approval through local fire department or Fire & Emergency Services
  - Municipal Approval &/or Environmental Health Approval through local municipality or Services NL
  - Submission of monthly occupancy statistics once in operation to TCII

When our Department is notified of an accommodation potentially operating without a Tourist Establishment Licence, the operator is sent notification in writing of the violation and encouraged to comply, by obtaining a licence.

As accommodation operators are also subject to regulatory requirements under the jurisdiction of Fire & Emergency Services, the local municipality and/or Service NL and Canada Select, these applicable authorities are notified as well. In many instances, accommodation operators are not aware of these regulatory requirements and do contact the appropriate authorities to obtain the applicable permits.

If an operator continues to be non-compliant, investigation may be undertaken by the applicable investigative/enforcement officer (ie: fire commissioner, city inspector or the RNC/RCMP) to determine if charges are warranted.

Officials of Hospitality Newfoundland and Labrador (HNL) and my department have been meeting and are working together on the issue of the sharing economy and the implications for the Tourist Establishment Act and Regulations. At present we and HNL are in discussions with AirB&B and developing a framework for a regulatory review of the Tourist Establishment Act and Regulations.

Sincerely

Christopher Mitchelmore
MHA St. Barbe.

Copy: Craig Foley, Chief Executive Officer
The Canada Select program is an industry driven, consumer sensitive rating program which provides the travelling public with a consistent standard of judging accommodations throughout the country. The program was developed in 1992 using consumer research to identify expectations and items of importance at various Star Levels and Categories.

As a result of public consultations and feedback from industry a complete review and changes to the Canada Select Program Canada Select Program occurred in 2016. Canada Select is now one of the quality assurance rating programs provided by Tourism Quality Assurance Newfoundland and Labrador, a non-profit, industry-led organization.

Under the revised program there are 19 accommodation designations. The former system has 6 categories (Bed & Breakfast, Cottages & Vacation Homes, Hotel/Motel, Inn, Campground, Fishing and Hunting).

Canada Select is the primary quality rating program for accommodations in all four Atlantic Provinces. Extensive consumer guidelines are provided for the different star levels, assisting operators understand the type and quality of amenities, facilities and services that are expected by consumers when they are investing in the upgrade of their properties.

The provincial Tourist Establishments Act and Regulations require accommodation and campground establishments to meet a minimum one star rating with the Canada Select program in order to receive a Tourist Establishment licence.

Canada Select rates accommodations and campgrounds on the amenities and quality they offer based on consumer expectations and use a star rating system (1 to 5 stars). The higher the star rating, the more extensive the quality of facilities and guest services.
SUMMARY
Tourism Establishments Act & Regulation Review
Public/Industry Consultations
March 2012 to July 2012

At the various sessions there were comments that continued to be repeated below is a collection summarizing.

1. In mostly every session it was commented as to why have regulations if you can't enforce. However, it was still agreed that some formal process was important to ensure the quality of product continues to improve in the province. It may not be as detailed in duplication of information but some form of an Act and/or Regulation. It was suggested that without this legal entity the quality of product may decrease.

2. Issues with Canada Select were identified. The categories and grading is not reflective of the product or what the market is expecting etc. Lack of information for clients on rating or how to improve was noted as limited.

3. Insurance is considered essential and should be one of the necessary requirements. Operators are becoming more and more conscious of referring clients to other operators. They want to have some assurance that operators are insured and are legitimate operations. Some operators are refusing to recommend other operations.

4. The need for some type of quality assurance/grading program was considered very important. However, there was limited input as to what form it should be.

5. In practically every session unlicensed facilities were considered an issue with more and more unlicensed facilities showing up through the province. However, no easy solution was agreed.

6. There was no objection to the thought that the outfitting industry should be dealt with separately. It was suggested that maybe outfitting should fall under Wildlife or Natural Resources.

7. Social media was recognized as a growing entity. Small operators were less likely to us trip advisor but many larger operations were aware and monitored. It was noted that in many areas in rural NL there are no listings in Trip Advisor.

8. The incentive for inclusion in Provincial Marketing Programs was considered key. Noting some operators many not find that appealing but the majority value this opportunity.
Meeting Note
Department of Tourism Culture Industry and Innovation
Hospitality Newfoundland and Labrador
September 7, 2017 – 2:00 p.m.
Minister’s Boardroom - BCRDD

Attendees: Minister Mitchelmore
           Carmela Murphy, ADM
           Dion Finlay, Chair, Hospitality Newfoundland and Labrador
           Scott Hillyer, Vice Chair HNL
           Craig Foley, CEO, HNL
           Bradley George

Purpose of Meeting:

- Hospitality Newfoundland and Labrador has requested a meeting with Minister Mitchelmore to discuss the impact of unlicensed accommodation on the tourism industry.

Background:

- Hospitality NL is the provincial tourism industry association representing over 500 tourism services and attractions throughout Newfoundland and Labrador. The organization has a mandate to advocate on behalf of its members on industry issues, engage industry in skills and knowledge development and encourage membership/networking partnerships in the tourism industry.

- Hospitality NL is the provincial industry association partner on the Newfoundland and Labrador Tourism Board, the private-public collaborative board that oversees the implementation of Uncommon Potential: A Vision for Newfoundland and Labrador Tourism, with the goal of increasing tourism spending to $1.6 billion by 2020.

Agenda item #1 (Unlicensed Accommodations and the Sharing Economy)

- HNL on behalf of its members has expressed concern about the negative impact of unlicensed accommodation and are requesting TCII take action to enforce the current regulations under the Tourist Establishment Act. (TEA)

Analysis

- The rapid growth in peer-to-peer accommodation services with the Sharing Economy is exacerbating the issue with a sharp increase in the number of unlicensed accommodations in the province, which is seen as creating unfair competition for licensed accommodations.

- HNL members believe unregulated and unlicensed accommodations are jeopardizing the success of the province’s tourism industry. Airbnb and similar platforms for home sharing are viewed as unfairly competing with licensed operators, as they do not have to be licensed or graded under Canada Select or submit occupancy statistics, may not collect taxes or pay taxes, may not meet health and safety regulations, carry liability insurance and support the provincial economy.

- In 2012/13 an analysis of the Tourism Establishment Act and Regulations and industry consultation identified a number of challenges, including:
  - Lack of resources to enforce the existing legislation
Hi everyone,

I came across some interesting news yesterday that I thought I would share. Air BnB has just launched a new business called “Air BnB Experiences”. Now, local hosts can sell experiences through their website in addition to accommodations – hosting dinners with locals, hikes, neighbourhood tours, food & drink tours, and boat tours are all listed as experiences that locals can list with them online.

https://www.airbnb.ca/experience/signup

As with Air BnB accommodations, tours do not have to be offered by official tourism operators. Any local that feels they have a talent to share can post an experience offer. There are already many experiences listed, however it is not available in Newfoundland & Labrador (yet).

Here is an example of the experiences listed in San Francisco and Paris (they use the language “Experience San Francisco like a Local – Get Off the Beaten Path with the Air BnB Community”)

https://www.airbnb.com/experience/san-francisco

https://www.airbnb.com/experience/paris

It will be interesting to see if Air BnB Experiences has as much of an impact as Air BnB Accommodations on the global tourism industry.

Amy

---

Amy Fisher, B.Comm. Hons. (Co-op), M.B.A.
Internet Marketing Specialist – Digital Lead
Newfoundland and Labrador Tourism
PO Box 8700
St. John's, NL A1B 4J6
http://www.travelmarketreport.com/articles/Airbnb-Plans-To-Spread-Its-Wings-Into-Flights

Scott W. Andrews
Manager, Provincial Historic Sites
Department of Business, Tourism, Culture and Rural Development
Government of Newfoundland and Labrador

Arts and Culture Centre, RM 323
P.O. Box 8700  St. John’s, NL, Canada, A1B 4J6
T (709) 729.7212 | F (709) 729.7989
To be discussed.

Sent from my BlackBerry 10 smartphone on the Bell network.

The Road to the Beaches Tourism Association

June 16, 2017

Open letter to the Honourable Christopher Mitchelmore, Minister of Tourism, Culture, Industry and Innovation

We are writing on behalf of the almost 200 licensed small accommodation operators throughout Newfoundland and Labrador with an urgent plea for the Department of Tourism, Culture, Industry and Innovation to take action on the current crisis in our industry.

It is your, and your department’s, mandate to both ensure minimum standards in tourist establishments and govern the licenses that are required to operate. At present, the Department of Tourism, Culture, Industry and Innovation has abdicated its role and responsibilities.

The shadow economy of unlicensed accommodations and short-term rental market grows exponentially - unchecked, untaxed, unburdened by costs – often damaging the reputation of Newfoundland and Labrador with poor standards.

Both the government and our so-called tourism advocacy bodies have been ignoring our plight while reducing our ability to advertise locally (roadside signs) and increasing the regulatory burden and costs (most recently insurance) pushing many small businesses into closure or bankruptcy.

As licensed operators we are ambassadors for the tourism industry and the province. We maintain high standards, ensure safety, have reliable customer service. We pay taxes and have the increasing burden of licensing costs, while our occupancy rates dwindle due to competition from accommodations that have no barrier to entry due to government indifference. Many operators have reported a significant drop in reservations/room nights in both May and June. A trend that has been evident for the past few years.
Hospitality NL working for you!

Hospitality NL continues to lead efforts to understand opportunities and challenges of sharing economy

For immediate release

June 20, 2017

St. John’s – Hospitality Newfoundland and Labrador, the provincial tourism industry association, is continuing focused efforts to fully understand and address the opportunities and challenges presented by the sharing economy, a significant contributor to today’s travel and tourism landscape.

“The sharing economy is not a trend, but rather represents the evolution of the travel and tourism industry in times of technological advancement and a desire by travellers to really experience a destination, as opposed to just visiting a destination,” says Hospitality NL Chair, Dion Finlay.

Criticism of the sharing economy often relates to regulatory issues, and currently here in Newfoundland and Labrador, the biggest impact in the travel and tourism industry is occurring in the accommodation sector. Businesses that offer accommodation services are often overseen by federal, provincial and municipal laws and regulations. For example, under the Tourist Establishments Act in Newfoundland and Labrador, roofed accommodation providers must meet several requirements and obtain a Tourist Establishment License in order to operate. Platforms such as Airbnb make it easier for unlicensed accommodators to operate without following regulations or paying associated
Manager, Policy & Communications
Hospitality Newfoundland and Labrador
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C: 709-227-1863

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You are receiving this email because you are a contact of Hospitality NL.

Our mailing address is:
Hospitality Newfoundland & Labrador
71 Goldstone Street
St. John's, Newfoundland & Labrador A1B 5C3
Canada

Add us to your address book

3
Any shorter questions give me a shout anytime.
FYI - This is on CBC News PEI- online- down at the bottom today will probably disappear tomorrow.

Cheers
Janet

Janet E. Wood
Manager, Tourism Development
Department of Economic Development and Tourism
PO Box 2000, Charlottetown
Prince Edward Island
Canada, CIA 7N8

Tel: 902-368-5508
Fax: 902-368-4438
e-mail: jewood@gov.pe.ca

www.tourismpei.com

"Peddle, Andrea" <apeddle@gov.nl.ca> 8/15/2017 3:22 PM >>>
Thanks You Janet: wow quite lengthy reponse great appreciated. I really appreciate you insight and the intel.

And no worries, Jackie Harnum is by my side on this one, I'm just getting up to speed.

Andrea

ANDREA PEDDLE
Director of Tourism
Newfoundland and Labrador Tourism
Department of Tourism, Culture, Industry and Innovation
709 729-2831/0559
apeddle@gov.nl.ca

Hi Folks
I just updated a internal BN. I am attaching as well as a BN for CBC completed earlier this month, for your information. Some of this you may already be aware of.
ANDREA PEDDLE
Director of Tourism
Newfoundland and Labrador Tourism
Department of Tourism, Culture, Industry and Innovation
709 729-2831/0559
apeddle@gov.nl.ca

From: Brenda Gallant [mailto:bgallant@gov.pe.ca]
Sent: Thursday, August 10, 2017 11:28 AM
To: Cindy Creamer Rouse - NB Tourism <cindy.creamer-rouse@gnb.ca>; Peddle, Andrea <apeddle@gov.nl.ca>; Joann Fitzgerald - NS Tourism <Joann.Fitzgerald@novascotia.ca>
Cc: Janet Wood <JEWOOD@gov.pe.ca>
Subject: Re: Air B&B

Hi Andrea, Cindy and Joann!
I'm copying Janet Wood, who can answer this much better than I ever could. Janet, fire away!

Brenda

BRENDA GALLANT
Director of Marketing
Tourism Prince Edward Island
P.O. Box 2000
Charlottetown, PE C1A 7N8

(902) 368-6066

www.tourismpei.com

>>> "Peddle, Andrea" <apeddle@gov.nl.ca> 8/10/2017 10:06 AM >>>
Folks
What is your or your organization's/department's involvement or relationship with Air B&B, VRBO etc.
Is this an issue for you, for your industry?

Any intel that you can provide is REALLY appreciated!

Thanks

Andrea

ANDREA PEDDLE
Director of Tourism
Newfoundland and Labrador Tourism
Department of Tourism, Culture, Industry and Innovation
2nd Floor Confederation Building West Block
P.O. 8700
St. John's, NL, CANADA
A1B 4J6
t: 709 729 2831
I cut and pasted this from what we had. We can update and chat.

Tourism Culture Industry innovation
Issue: Unlicensed Accommodation

Summary:
The rapid growth in peer-to-peer accommodation services such as Airbnb, VRBO.com and HomeAway is increasing the number of unlicensed homes in the province under the Tourist Establishments Act.

Background:

- The rapid growth in sharing economy accommodation services, such as Airbnb, VRBO.com and HomeAway, is increasing the number of unlicensed accommodations operating in the province.

- Unlicensed and unregulated accommodations, such as some of those promoted on Airbnb and similar platforms for home sharing, are viewed as unfairly competing with licensed operators, as they do not have to be licensed, may not collect taxes or pay taxes, may not meet health and safety regulations, carry liability insurance and support the provincial economy.

- Recent analysis and review of the Tourist Establishment Act, unlicensed accommodations and the impact of the sharing economy have identified the challenge of addressing the issue due to limitations with legislation and regulations and enforcement capacity.

- Significant resources would be required to strengthen and enforce existing legislation and with the rapid growth of the sharing economy, a long term solution that reflects changing customer preferences is required to effectively address the issue of unlicensed accommodations.

- TCII continues to work with Hospitality NL to look for ways to encourage visitors to use licensed accommodations and to discuss a process to identify and notify those people operating without a Tourist Establishment License to become licensed.

- Based on changing consumer practices and demands, all consideration is required to explore current and future policy actions that strongly considers the perspective of the accommodations industry and also assesses the issue from the consumer perspective.
They accuse government of abdicating its role and responsibilities in not ensuring minimum standards in tourist establishments and in governing licenses required to operate.

The letter, drafted by [redacted] says both government and tourism advocacy groups have ignored their plight while reducing their ability to advertise locally through roadside signs and increasing regulatory costs and insurance.

It claims sites like Airbnb, and others enable commercial businesses to operate under the guise of home-sharing as "ghost hotels".

[redacted] says government authorities in Canada and internationally have recognized the problems and damage the so-called shadow industry has caused and created, and they're calling for immediate action to enforce operating license requirements and shut down unlicensed business operations.

Eric Humber
Media Relations Manager
Department of Tourism, Culture, Industry and Innovation
Government of Newfoundland and Labrador
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C: 709-725-9655
erichumber@gov.nl.ca

Pages 16-18 redacted under Sec. 30(1)(a)
ANDREA PEDDLE
Director of Tourism
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Department of Tourism, Culture, Industry and Innovation
P.O. Box 8700
2nd Floor West Block Confederation Building
Prince Phillip Drive
St. John’s, NL CANADA
A1B 4J6
709 729 2831
apeddle@gov.nl.ca
Subject: Pre meeting re: Air B&B
Location: HNL
Start: Thu 9/14/2017 10:00 AM
End: Thu 9/14/2017 11:00 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Peddle, Andrea
Required Attendees: Craig Foley; Jackie Harmum; Melissa Ennis

Purpose:

1. Review strategy and ask from Air BnB
2. Agenda for IM and Tourism Board
Can you join Craig and me to talk about our Meeting with Air BnB.

-----Original Appointment-----
From: Craig Foley [mailto:CFoley@hnl.ca]
Sent: Wednesday, June 21, 2017 10:10 AM
To: Craig Foley; Murphy, Carmela; Peddle, Andrea; Melissa Ennis
Subject: HNL / TCii AirBnB Prep
When: Thursday, June 22, 2017 2:00 PM-3:30 PM (UTC-03:30) Newfoundland.
Where: Hospitality NL Boardroom

When: June-22-17 2:00 PM-3:30 PM (UTC-03:30) Newfoundland.
Where: Hospitality NL Boardroom

Note: The GMT offset above does not reflect daylight saving time adjustments.

Hi Ladies,

We thought we should sit together to review what we know, draft questions, develop a plan.

Does this work for everyone?

Craig
Working on it now.

Sent from my BlackBerry 10 smartphone on the Bell network.

A few updated required. We have met with airbb and continue to hold dialogue on regulations. I also think it could be shortened

Sent from my BlackBerry 10 smartphone on the Bell network.

Morning,

The Hotel Association of Canada issued a news release today regarding the growth of AirBNB.

PO has requested KMs - please review attached.

///

Hosts with Multiple Entire-Home Units Key Driver of Airbnb Growth: Study

(Ottawa, Ontario) September 27th, 2017 — The Hotel Association of Canada (HAC) has released a new study which demonstrates that commercial operators are growing exponentially, far outpacing actual home sharing activity. Alarming, only 17% of Airbnb’s total revenue in Canada is generated by true home sharing where the owner is present during the guest’s stay. The other approximately 80% comes from hosts renting entire home units where the owner is not present.

Furthermore, the study reveals that units are being rented in increasing frequency. In fact, 1-in-3 Airbnb units in Canada were rented for more than 90 days per year and this segment generated over 70% of total Airbnb revenues during a 12-month period. These statistics highlight one simple fact: there is far more commercial activity occurring than people might realize.

The most comprehensive study of its kind, entitled An Overview of Airbnb and the Hotel Sector in Canada: A Focus on Hosts with Multiple Units, spotlighted 11 key markets across Canada and examined the short-term rental market in comparison to Canada’s hotel sector, with a key focus on Airbnb as the most widely used
For more information or to access the full report, please visit www.fairrules.ca.

-30-

**Eric Humber**
Media Relations Manager
Department of Tourism, Culture, Industry and Innovation
Government of Newfoundland and Labrador
O: 709-729-4819
C: 709-725-9655
erichumber@gov.nl.ca
Peddle, Andrea

From: Peddle, Andrea
Sent: Friday, August 11, 2017 10:56 AM
To: Humber, Eric; Murphy, Carmela
Cc: Mundon, Tansy
Subject: RE: Article from Telegram

Yes...just read it earlier....

It appears that accommodators’ key concern is the inequity in taxes and inspection requirements – fire life safety.

I also wonder why “business was normal in July, but certainly behind in August” She noted later it was early August. It cannot just a sudden jump in the availability of Air B&B rentals in the month of August.

Our stats indicate that air passenger movements for the month of July are down for YYT – St. John’s. While Gander, and Deer Lake and Marine Atlantic traffic is up.

We have contacted a number of accommodation operators who have been reported as operating without a ‘licence’ and have had an number of responses back stating that they will start the process to be licenced.

Andrea

ANDREA PEDdle
Director of Tourism
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Department of Tourism, Culture, Industry and Innovation
709 729-2831/0559
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From: Humber, Eric
Sent: Friday, August 11, 2017 9:56 AM
To: Murphy, Carmela <carmelamurphy@gov.nl.ca>; Peddle, Andrea <apeddle@gov.nl.ca>
Cc: Mundon, Tansy <TansyMundon@gov.nl.ca>
Subject: Article from Telegram

AirBnB and hotels competing for St. John's tourist business

When it comes to accommodations, travellers’ priorities differ greatly, from cost to comfort. Hostels, hotels, B&Bs and now private residences can play on these differences to compete for valuable tourist business.

AirBnB, the popular service that allows travellers to let spare rooms, infrequently used pieds-a-terre or their regular homes, is part of what has come to be known as the sharing economy, which includes services such as Couchsurfing and Uber.
“I’ve travelled a lot and it’s really nice to be able to provide it,” says [redacted].

While guests are staying in their home, she and her son have stayed with family or friends, or have gone camping.

[redacted] is unsure if she will continue to let her house on AirBnB throughout the year, saying it will depend heavily on whether she will need to find a way to supplement her income with the rate increase on heating set to take place this coming winter.

[redacted], one of the largest B&Bs in the city with 11 rooms, with unique art and freshly made breakfast each morning, appeals to those looking for a sweet St. John’s experience.

After a rough winter, [redacted] says, business was normal in July, but certainly behind in August, a lag she attributes to the number of AirBnB offerings in the city.

“The big thing is taxes,” says [redacted], explaining that hotels are required to pay 19 per cent tax on bookings — 15 per cent HST and a 4 per cent accommodation tax that drives prices up. The AirBnB places are not subject to the same tax regulations and “it’s putting everyone out of business,” she says.

“I’m telling my councillor that they’ve got to spend some auditing time,” says [redacted]. “I’m pressing them to make that 4 per cent uniform or get rid of it.”

[redacted] also has greater costs than an AirBnB because the regulations on hotels require them to maintain certain professional standards, such as having sprinklers checked every year.

Despite the drop-off in business during early August [redacted] says there is some chance it could catch up in the second half of the month, and business at the quaint inn is looking good for September and beyond with bookings into 2018.

[redacted], a small, independent apartment hotel on Queens Road, straddles the line between hotel and AirBnB. The hotel offers secure, furnished apartments without any of the traditional amenities.

[redacted] matches his price to what the market will bear. When asked how business is going this year, he says, “What we’ve found is that in order to be able to fill, we’ve had to reduce our rates from last year somewhere in the vicinity of 15 to 20 per cent.”

Those reductions are significantly less than what other businesses with the same pricing model have had to make to keep their doors open, he says.

[redacted], who is able to list his apartments on AirBnB, attributes the problems they are having to the increase in taxes that also hurt the

“I’m competing with all the moms and pops who aren’t charging the HST,” says [redacted], who has found that despite his apartments being listed on the site, most of his bookings still come directly through the hotel’s website or through services such as Expedia.
Peddle, Andrea

From: Peddle, Andrea
Sent: Tuesday, July 11, 2017 3:57 PM
To: Norman, Bob
Cc: Day, Kelly
Subject: RE: Rhode Island calling

Thanks Bob,

Humber Valley Resort was established as a time share accommodation, initially. I believe that one of the accommodations in Steady Brook was a part of a time share as well. It doesn’t seem to be a big thing for accommodations operators in the province.

We don’t hear much about the traditional time share in the tourism industry overall, but we DO hear a lot about the ‘sharing economy’ ie: Airbnb etc.

Under the provincial tourist establishment act anyone who is ‘renting’ accommodation to tourists must operate under certain regulations - fire, health safety; Canada Select rating etc.

I guess time share could be another marketing channel however, the accommodation would have to be licensed under provincial regulations.

Andrea

ANDREA PEDdle
Director of Tourism
Newfoundland and Labrador Tourism
709 729 2831
apeddle@gov.nl.ca

From: Norman, Bob
Sent: Tuesday, July 11, 2017 3:08 PM
To: Peddle, Andrea
Cc: Day, Kelly
Subject: FW: Rhode Island calling

Hi Andrea,

My friend John was visiting here this summer from Rhode Island, and has offered the following suggestion/comments regarding his visit specifically around timeshares. Is this something that we have looked into in the past do you know? Do you think it’s something worth investigating?

Bob

From: Riendeau, John [mailto:John.Riendeau@commerceri.com]
Sent: Wednesday, July 05, 2017 12:19 PM

Next page redacted under Sec 30(1)(a)
http://www.lawtimesnews.com/201706266270/focus-on/focus-sharing-economy-means-work-for-municipalities

This was provided by our Legal folks here as fyi only.

Our folks are writing up the process for issuing offence under the tourism Establishment act.

Andrea

ANDREA PEDDLE
Director of Tourism
Newfoundland and Labrador Tourism
Department of Tourism, Culture, Industry and Innovation
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apeddle@gov.nl.ca
Peddle, Andrea

From: Peddle, Andrea
Sent: Monday, June 19, 2017 11:09 AM
To: Murphy, Carmela
Cc: Humber, Eric; Mundon, Tansy; Hunt-Grouchy, Michelle; Hamum, Jackie
Subject: RE: Open letter of Minister of Tourism re Unlicensed Accommodations

There is a communication matter as well as a regulatory matter to be discussed here. I suggest that we set up a time to chat further on each issue. Carmela your thoughts?

Andrea

ANDREA PEDDLE
Director of Tourism
Newfoundland and Labrador Tourism
709 729 2831
apeddle@gov.nl.ca

From: Hunt-Grouchy, Michelle
Sent: Friday, June 16, 2017 4:39 PM
To: Murphy, Carmela; Peddle, Andrea; Lomond, Ted; Mitchelmore, Christopher
Cc: Humber, Eric; Mundon, Tansy; George, Bradley; Joy, Carla; Halliday, Janice
Subject: Fw: Open letter of Minister of Tourism re Unlicensed Accommodations
Importance: High

To be discussed.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: BedBreakfast NewfoundlandLabrador <bbanandl@outlook.com>
Sent: Friday, June 16, 2017 4:06 PM
To: Mitchelmore, Christopher
Cc: George, Bradley; Hunt-Grouchy, Michelle
Subject: Open letter of Minister of Tourism re Unlicensed Accommodations

The Road to the Beaches Tourism Association

June 16, 2017

Open letter to the Honourable Christopher Mitchelmore,
Minister of Tourism, Culture, Industry and Innovation

We are writing on behalf of the almost 200 licensed small accommodation operators throughout Newfoundland and Labrador with an urgent plea for the Department of Tourism, Culture, Industry and Innovation to take action on the current crisis in our industry.
Folks;

On June 27th, Craig is having an introductory conversation with Air B&B on ways that the Tourism industry can work with them.

Are there any specific queries that you may have that Craig could discuss with the Air B&B folks? For example, are they open to applying Newfoundland and Labrador TAP standards be applied to Newfoundland and Labrador Air B&B listings? The issue of the sharing economy is not new issue for Air B&B, what models are effectively being used in various destinations? Who are the partners - municipalities, Tourism industry associations, DMOs or provincial/state governments?

Can you have your thoughts to me by 20th. We’ll regroup and chat on the 22 if necessary.

Thanks

Andrea

ANDREA PEDDLE
Director of Tourism
Newfoundland and Labrador Tourism
Department of Tourism, Culture, Industry and Innovation
P.O. Box 8700
2nd Floor West Block Confederation Building
Prince Phillip Drive
St. John’s, NL CANADA
A1B 4J6
709 729 2831
apeddle@gov.nl.ca
Peddle, Andrea

From: Peddle, Andrea
Sent: Wednesday, May 17, 2017 4:53 PM
To: ‘Craig Foley’
Cc: Gilliard, Carol-Ann; Roebotan, Michaela
Subject: RE: Sharing Economy Screening

Can we aim for the afternoon of May 31 or June 1st. It seems from the Outlook calendars that most of my peeps are available.

I would like to include:

Jackie
Eva
Linette
Amy
Laurie
Carol Ann Carter

Andrea
ANDREA PEDDLE
Director of Tourism
Newfoundland and Labrador Tourism
709 729 2831
apeddle@gov.nl.ca

-----Original Message-----
From: Craig Foley [mailto:CFoley@hnl.ca]
Sent: Wednesday, May 17, 2017 12:38 PM
To: Gilliard, Carol-Ann; Peddle, Andrea
Subject: Sharing Economy Screening

Hi guys (gals),

We want to do this, but need to know who, how and when.

We can invite individually from here once we have the names, and a date that works well with ya'll.

We can do a separate screening for regional staff at a later date.

Thoughts, comments etc

Craig

Craig Foley
Departmental Process concerning Unlicenced accommodations

Objective: To inform those who provide tourist accommodation (ie: daily accommodation rental for more than an accumulation of 30 days to individuals and or groups) of the requirements to operate a under the Tourism Establishment Act and Regulations and to assist those operators to become a licensed operator.

Situational Analysis:
As the use of online resources for trip planning and travel booking increases and the markets' desire for experiential travel, there have been a growth in new accommodations rental channels such a VRBO and Air B&B. Many accommodation providers using the rental channels are not aware of the regulations around the provision of paid overnight accommodation and as such are not licenced to operators under the government requirements. As such there is an concern of the level of fire, life, safety and quality provided by unlicenced accommodation providers, and unequal playing field between licenced tourist accommodation providers and individuals operating unlicenced overnight accommodations.

Current Process:
At the present time the requirements for a roofed accommodation to operate are as follows:

• Fire and Life Safety Plan Review & Building Accessibility Registration through Service NL, Government Service Centre
• Fire Inspection Approval through local fire department or Fire & Emergency Services
• Municipal Approval &/or Environmental Health Approval through local municipality or Services NL
• Canada Select NL inspection with a minimum one start rating submitted to TCII and participation fee payment through Tourism Quality Assurance
• Submission of Tourism Operator Profile – Tourist Establishment Licencing Application to Tourism, Culture, Industry and Innovation (TCII)
• Submission of monthly occupancy statistics once in operation to TCII

When our Department is notified of an accommodation potentially operating without a Tourist Establishment Licence, the operator is sent notification in writing of the violation and encouraged to comply, by obtaining a licence. As accommodation operators are also subject to regulatory requirements under the jurisdiction of Fire & Emergency Services, the local municipality and/or Service NL and Canada Select, these applicable authorities are notified as well.

In many instances, accommodation operators are not aware of these regulatory requirements and do contact the appropriate authorities to obtain the applicable permits.

Newfoundland and Labrador Tourism will:

1. actively research online and offline channels to obtain contact information (where possible) for listings of accommodation providers and compare to current list of licenced tourist accommodations to determine unlicenced tourist accommodation providers. (New)

2. continue to notify in writing accommodation providers potentially operating without a licence of requirements under the Tourism Establishment Act and Regulations. Other regulatory bodies (Fire & Emergency Services, the local municipality and/or Service NL and Canada Select) will also be notified as in past practice.

3. follow up with operators and other regulatory bodies in a timely fashion (60 days) to the progress of operators to meet licencing requirements

4. keep record of the number and operators notified, and the number of operators currently in the licencing process.

5. Continue to educate and inform municipalities (town clerks, mayors and council members) in Newfoundland and Labrador and Service NL (ADMs, Directors and Inspectors) through presentations, and correspondence of the requirements for licenced tourist accommodations.

Timing:
• Research and identification of accommodation providers – September

• Continue to notify in writing accommodation providers potentially operating without a licence of requirements – September

• Report on numbers of notifications, follow-up and operators currently in the licencing process.

Jackie, please review the above is there anything to add?
Information Note
Department of Business, Tourism, Culture and Rural Development

Title: Tourist Establishments Act and Tourist Establishment Regulations

Issue: Accommodations within the Province of Newfoundland and Labrador.

Background and Current Status:

- The Department regulates the licencing of tourism establishments (i.e. roofed accommodations, campgrounds) to ensure they meet minimum standards.

- The Province currently licences, ~1150 properties each year
  - 700 Roofed accommodations
  - 345 Outfitting establishments/eligible
  - 82 Camping facilities

- The intent is to ensure minimum standards for consumers, improve the state of the province’s inventory of roofed accommodations and campgrounds, and monitor quality of tourist establishments.

- The condition of the licence is that a tourist establishment shall not be licensed unless the establishment has attained and continues to hold the minimum one star rating according to the criteria of the Canada Select Program and provide statistics.

- The Regulations does not direct the Department to provide inspections on Regulatory Safety requirements.

- When the Department is issuing a new Tourist Establishment Licence, proof of other regulatory approvals are requested however this is not required under the Act or Regulations. For Fixed Roofed and Campgrounds
  - New establishment submits application.
  - Provides copies of regulatory approvals: fire inspection, occupancy permit, Plan Review for fire, life safety, Environmental Health and accessibility plan.

- Unlicenced accommodations are not permitted to be listed in any Newfoundland and Labrador promotional material, Visitor Information Centres or highway signage.

Action Being Taken:

- If the Department becomes aware of an unlicenced tourism accommodation the department seeks to find contact information and then proceeds to follow up with a letter to the potential operator. The letter is copied to the Municipality, Service NL and any other Regulatory Authority as appropriate.

- The Department then proceeds to work with the operator to commence the licencing process.

Prepared Jackie Harnum
Approved by:
June 8, 2015
Minutes
Discussion with Air B&B

Date: September 14, 2017


Attendees: Andrea Diamond, Marketing Specialist Air B&B
Todd Hofsly, Public Policy with Air B&B
Craig Foley, CEO HNL
Melissa Ennis, Manage Policy and Communications
Andrea Peddle, Director Tourism Marketing
Jackie Harnum, Manager Visitor Services

1. Introduction and opening by Andrea Peddle. How can Air B&B and Newfoundland and Labrador tourism work together to address the issue that the Tourism Industry has brought to the government where they have expressed their concerns with the listings of unlicensed accommodations on the Air B&B network. The Tourist Establishments Act and Regulations is a provincial law governing Accommodations within the province.

2. The value of Air B&B’s marketing channel was stated and it is indeed a platform that accommodations should be using to ensure they are availing of all the marketing opportunities.

3. The concern that the Department and Industry partners has is that this marketing channel provides an opportunity for unlicensed accommodators to market their offerings.

4. Unlicensed tourism accommodations may not be meeting all the legislative requirements to operate within the province. Legislative requirements include but are not limited to fire and life safety, accessibility, Municipal approval, Federal and Provincial taxation.

5. Andrea Diamond stated that 80% of the listings on Air B&B are for accommodators that are only occasionally offering their property for a day or a few days during a time period when they would be away from their homes. Others are very seasonal and only operate during peak season. Andrea Diamond stated that home sharing offerings, for the majority, only totaling 60 nights a year.

6. Air B&B does not ask for proof of licencing or any other legislative requirement. However, offer clients on their platform an insurance policy.

7. Accommodators in the province are to be licenced under the Tourist Establishments Act if they offer their property for less than 30 days.

8. The break down and the various types of offerings that are currently being offered by Air B&B was suggested as a good starting point to review. What criteria does Air B&B review to classify these occasional accommodations? This information is forthcoming.

9. There are currently 704 licenced accommodations within the province. Air B&B was not able to provide the number of listings at this time however they would collect the general information and provide for the next meeting.

10. The next meeting will be scheduled in 2 to 3 weeks’ at 12 noon (mid October). Air B&B will then provide the data collected as to the breakdown of accommodations listed and the criteria that determine the 80% occasional accommodations offerings.

11. The Province will provide the accommodations occupancy for the province.

Minutes prepared by
Jackie Harnum, September 19, 2017
Please find enclosed the Tourism Operator Profile (Licencing Application) and information outlining the required licencing approvals. In accordance with the *Tourist Establishment Act and Regulations*, all tourist establishments must hold a valid Tourist Establishment Licence to operate in Newfoundland and Labrador.

Also attached is Newfoundland and Labrador’s Tourism Assurance Plan (TAP). All tourism products and services must meet TAP requirements in order to be included in Newfoundland and Labrador Tourism marketing and development activities and to participate in partnership/membership opportunities with Hospitality Newfoundland and Labrador and the Destination Management Organizations.

If you have any questions, please contact me at any time.

---

**Eva Trickett**  
Tourist Establishment Licencing  
Visitor Services, Tourism Division  
Department of Tourism, Culture, Industry & Innovation  
2nd Floor, West Block, Confederation Building  
PO Box 8700, St. John’s, NL A1B 4J6  
t 709-729-2835  f 709-729-0474  
Email: etrickett@gov.nl.ca  
www.newfoundlandlabrador.com
July 20, 2017

It is our understanding that you may be operating a tourist establishment known as [redacted]. All tourist establishments operating in Newfoundland and Labrador must hold a valid Tourist Establishment Licence in accordance with the Tourist Establishment Act and Regulations. Based on our files, a Tourist Establishment Licence has not been issued for this establishment and therefore, if it is operating as a tourist establishment, you are in violation of the Tourist Establishment Regulations.

We advise that you take steps as soon as possible to obtain a Tourist Establishment Licence for this facility. Enclosed please find the Tourism Operator Profile – Licencing Application and an outline of the licencing requirements. Please submit your completed application and the required licencing approvals to this Department.

Also attached is the Newfoundland and Labrador’s Tourism Assurance Plan (TAP). All tourism products and services must meet TAP requirements in order to be included in Newfoundland and Labrador Tourism marketing and development activities, and to participate in partnership/membership opportunities with Hospitality Newfoundland and Labrador and the Destination Management Organizations.

If there are any questions, please contact me at 709-729-0089 or by email at jharnum@gov.nl.ca.

Sincerely yours,

Jackie Harnum
Manager, Visitor Services

cc Manager of Operations, GSC, Service NL, Gander
     Town of Eastport
     Program Manager, Tourism Quality Assurance NL (Canada Select)
Trickett, Eva

Change of Ownership Notification

Sent: Monday, October 02, 2017 4:21 PM

To: [Redacted]

Subject: [Redacted]

Attachments: Tourism Operator Profile Form (Tourist Establishment Licencing Application).pdf; Canada Select NL Contact Information.doc; Service NL - Government Service Centres Contact Info.doc; Tourism Assurance Plan (TAP).pdf

Mr. [Redacted]

As follow up to our telephone conversation concerning change of ownership for The [Redacted], I have attached the Tourist Establishment Licencing Information. Please note that when ownership changes the current Tourist Establishment Licence is no longer valid and the new owner must apply for a Tourist Establishment Licence. This involves completion of the attached Licencing Application (Tourism Operator Profile), a copy of a recent fire inspection approval from the local fire department, confirmation of Canada Select NL inspection and confirmation of final sale. Canada Select contact information is attached.

Please note as well that if renovations are involved, an updated Department of Service NL Plan Review for Fire & Life Safety and Accessibility may be required. Please contact the Service NL Office in the area for confirmation. Department of Service NL contact information is attached.

Also attached is Newfoundland and Labrador’s Tourism Assurance Plan (TAP). All tourism products and services must meet TAP requirements in order to be included in Newfoundland and Labrador Tourism marketing and development activities and to participate in partnership/membership opportunities with Hospitality Newfoundland and Labrador and the Destination Management Organizations.

If you have any questions, please contact me at any time.

Eva Trickett
Tourist Establishment Licencing
Visitor Services, Tourism Division
Department of Tourism, Culture, Industry & Innovation
2nd Floor, West Block, Confederation Building
PO Box 8700, St. John’s, Nl. A1B 4J6
t 709-729-2835 f 709-729-0474
Email: ettrickett@gov.nl.ca
www.newfoundlandlabrador.com
Dear Owner/Operator:

Re: Tourist Establishment Licence

A Tourist Establishment Licence certificate for your tourist facility is enclosed and valid until September 30th, 2018.

Please notify the Department immediately in the case of closure, change in ownership or change in number of rooms and/or sites offered since there may be licencing requirements associated with these changes. Please refer to your Tourist Establishment Licence for the details of your property.

I would like to remind you that completion of the Monthly Statistical Report Form continues to be a mandatory condition of your licence, and that failure to comply could result in either the cancellation of your licence and/or refusal to renew your licence in the following year.

If you have any questions or comments about your licence, please contact Eva Trickett at 709-729-2835 or by e-mail at ejtrickett@gov.nl.ca. If you require information about the monthly statistical collection or forms, please contact Roger Haynes at 709-729-2976 or by e-mail at rhaynes@gov.nl.ca.

I would like to wish you a successful operating season.

Sincerely yours,

Jackie Harnum
Manager, Visitor Services
The Tourist Establishment Licence for [REDACTED] has expired as of September 30th, 2017. We are unable to renew the licence until all licence renewal requirements have been met. In accordance with the Tourist Establishment Act & Regulations, all tourist establishments must hold a valid Tourist Establishment Licence to operate in Newfoundland and Labrador.

If this facility is no longer operating, please advise the Department immediately by responding to this email or by calling 709-729-2835.

If this facility is still in operation, the following is required for licence renewal:

- Update the attached Licence Renewal Application
- provide Monthly Statistical Reports for August & September 2017
- bring your Canada Select NL file up to date

Please provide this information as soon as possible to ensure renewal of your Tourist Establishment Licence for the 2017/18 licencing period.

Any questions concerning the Monthly Statistical Reports, please contact Roger Haynes at 709-729-2976 or by email at rhaynes@gov.nl.ca.

Any questions concerning your Canada Select NL file, please contact Gail Dick at 709-722-3133 / 1-877-722-3133 or by email at gdick@canadaselectnl.com.

If you have any questions concerning the licencing process, please contact me at any time.

Thank you

Eva Trickett
Tourist Establishment Licensing
Visitor Services, Tourism Division
Department of Tourism, Culture, Industry & Innovation
2nd Floor, West Block, Confederation Building
PO Box 8700, St. John's, NL A1B 4J6
t 709-729-2835   f 709-729-0474
Email: eltrickett@gov.nl.ca
www.newfoundlandlabrador.com
Information Note
Department of Business, Tourism, Culture and Rural Development

Title: AirBnB and the rental of property to tourists.

Issue: Rex Avery, Hospitality Newfoundland and Labrador Chair on CBC Morning Show stating the number of properties offered on AirBnB is increasing, many of which are unlicensed.

Background and Current Status:

- The Tourist Establishments Act was proclaimed before 1970 with amendments in 1993. The amendments to the Act removed TCR’s responsibility for doing inspections to ensure health, life and safety standards and facility quality standards.

- Regulatory and administrative changes occurred in 1993 when Service NL was given the responsibility for administering and enforcing many provincial health and life safety regulations, buildings accessibility and other regulatory requirements that were a requirement of tourist establishments in order to obtain a licence. However they did not take direct responsibility for compliance with the Tourist Establishment Regulations.

- The Tourist Establishments Regulations were proclaimed in 1994. These regulations define the type of tourism businesses and establishments that require licensing, conditions for obtaining a licence, and obligations associated with the licence.

- In order to obtain a tourist establishment licence from BTCD, the department requires fixed roof and camping establishments must provide proof of:
  - A plan for fire, life safety and building accessibility through a regional Government Service Centre;
  - Compliance with Sanitation Regulations under the Health and Community Services Act;
  - A fire inspection report from the local fire department or the Fire Commissioner’s Office and;
  - Municipal approval (occupancy permit) if located within a municipality.

- The Regulations require establishments to meet a minimum of a one star rating with Canada Select; submit operational statistics on a monthly basis; provide a yearly rate schedule to the department; and maintain a registry of their guests.

- Establishments that are in compliance with the Regulations and TAP approved are included in the department’s advertising – print materials and website.

- The Department currently licences 636 roofed accommodations and 93 Campgrounds.

- The BTCDR has no enforcement staff to investigate potential non-licenced accommodations.
• There has never been an operator charged for operating without a licence - letters are written to accommodation operating without license, but no further action is taken. A person who violates is guilty of an offence and liable on summary conviction to a fine of not more than $2,000 and in default of payment to imprisonment for a period not exceeding 3 months or to both a fine and imprisonment.

Analysis:

• The Quebec Government plans to table a bill next month regulating online home-sharing services such as Airbnb, making it the first province in the country to crack down on the practice of renting rooms without a permit.

• Renting out private houses and apartments has become increasingly popular; thanks to fast-growing websites like Airbnb, Vacation Rental By Owner (VRBO) and others that help tourists find short-term accommodation in homes and apartments around the world.

• Anyone renting vacation property should check to ensure that they are booking with an approved facility.

• The Department will continue to monitor what Quebec and other provinces are finding with the various social media rental methods.

• The greater number of AirBnB property being offered tends to be in the larger populated municipalities.

Action Being Taken:

• The Department will continue to work closely with Canada Select, the Tourism Board, Destination Management Organizations and Municipalities throughout the province on ways to address the increasing number of these types of rentals.

• If the Department becomes aware of an unlicenced property being offered to tourist the Department will make contact the Property owner and let them know they are required to be licenced under the Tourist Establishments Act.

Prepared/approved by: J. Harnum, Manager Visitor Service
A. Peddle, Director Tourism Marketing

Ministerial Approval:
05-26-2015
The Department of Tourism, Culture and Recreation is responsible for these Acts and Regulations. We regulate the licencing of tourism establishments (i.e. roofed accommodations, campgrounds and hunting and fishing camps) to ensure they meet minimum standards.

Licenced

~1150 properties each year

700 Roofed accommodations

345 Outfitting establishments/eligible

82 Camping facilities

The intent is too:
- ensure minimum standards for consumer protection and safety,
- improve the state of the province’s inventory of roofed accommodations and campgrounds,
- and monitor quality of tourist establishments.

For Fixed Roofed and Campgrounds

New establishment submits application.

Provides copies of regulatory approvals: fire inspection, occupancy permit, Plan Review for fire, life safety, Environmental Health and accessibility plan.

Canada Select minimum one star rating and fee paid.

Must submit monthly occupancy statistics