

CANADA
PROVINCE OF QUÉBEC
MUNICIPALITY OF LA PÊCHE

BY-LAW 19-788

BY-LAW AMENDING BY-LAW 06-486 GOVERNING THE ISSUANCE OF PERMITS AND CERTIFICATES (OCCUPANCY CERTIFICATES – SHORT-TERM RENTALS)

Whereas a municipality can issue a by-law to amend a by-law governing the issuance of permits and certificates (CQLR, c. A 19.1).

Whereas the La Pêche Municipal Council considers it is timely and in the public interest to amend certain provisions of by-law number 06-486, governing the issuance of permits and certificates.

Whereas the notice of motion of this by-law was duly given at the meeting on June 3, 2019.

Therefore it was resolved that the La Pêche Municipal Council adopt **By-law 19-788 in order to clarify the criteria for the issuance of short-term rental occupancy certificates**, and that the Council ordain and decree as follows:

SECTION 1 : PRÉAMBULE

The preamble is an integral part of this by-law amending the Municipality of La Pêche by-law governing the issuance of permits and certificates, for all legal purposes.

SECTION 2: ADDITIONS TO SECTION 1.11: GLOSSARY (DEFINITIONS)

By-law governing the issuance of permits and certificates, as amended, is amended by the addition of the following definitions:

Camping Québec:

Organization entrusted by the minister responsible for *the Act respecting tourist accommodation establishments (chapter E-14.2)* with managing the **classification program for campgrounds** under the Act and its regulation (E-14.2. r.1).

Corporation de l'industrie touristique du Québec (CITQ):

Organization entrusted by the minister responsible for the *Act respecting tourist accommodation establishments (chapter E-14.2)* with managing the classification program for seven categories of establishments governed by the *Act* and its regulation (E-14.2, r.1): hotel establishments, bed and breakfast establishments, tourist homes, educational establishments, resorts, youth hostels or other accommodation establishments.

Tourist accommodation establishment:

Any establishment in which at least one accommodation unit is offered for rent to tourists, in return for payment, **for a period not exceeding 31 days**, on a regular basis in the same calendar year and the availability of which is made public.

Accommodation offered only for festivals or special events (sports, cultural, historic events), statutory holidays (Christmas, Easter, Canada Day, Patriots' Day, Thanksgiving, etc.), or special breaks (e.g., spring break) is excluded. Advertisements for these types of accommodation must clearly indicate that it is only available for that specific period. If the advertisement is posted repeatedly, it will be considered accommodation regularly made available to the public.

For the purposes of this by-law, the classes of tourist *accommodation establishments* are the following:

1° Hotel establishments: Establishments that offer accommodation in furnished rooms, suites or apartments that have self-catering kitchen facilities, including reception and daily housekeeping services and all other hotel services;

2° Tourist homes: Establishments that offer accommodation in furnished apartments, houses, or cottages, including self-catering kitchen facilities;

For the purposes of this Regulation, a "Tourist home" is to be distinguished from a residence intended to serve as a permanent home by the owner or a permanent tenant.

3° Resorts: Establishments that offer, for an all-inclusive price, accommodation, including food services or self-catering kitchen facilities, recreational or entertainment services, and recreational facilities and equipment;

4° Bed and breakfast establishments: Establishments that offer, for an all-inclusive price, accommodation in rooms in a private residence where the operator resides and rents a maximum of 5 rooms receiving a maximum of 15 persons, including breakfast served on the premises;

For the purposes of this by-law, a « Bed and breakfast establishment » within the meaning of the Act respecting tourist accommodation establishments (chapter E-14.2) and its regulation (E-14.2. r.1), Establishments Act (Chapter E-14.2) and its regulations (E-14.2, r.1), must be considered as complementary use class 5.12.11: B & B with reference to Zoning By-law 03-429 as amended.

5° Youth hostels: Establishments that offer accommodation in rooms, or in beds in one or more dormitories, including food services or self-catering kitchen facilities and full-time supervision;

6° Educational establishments: Establishments that offer accommodation in an educational institution, governed by any Act, except if the accommodation units are rented to students of the institution only;

7° Camping establishments: Establishments that offer accommodation in ready-to-camp units (cabins, yurts, all types of tents, tepees, igloos, trailers, etc.) or on campgrounds composed of permanent sites to accommodate tents or recreational camping vehicles, motorized or not, including services;

8° Outfitting establishments: Establishments that offer accommodation in an outfitting operation within the meaning of the *Act respecting the conservation and development of wildlife (chapter C-61.1)*;

9° Other accommodation establishments: Tourist accommodation establishments that belong to none of the other classes.

Quebec Outfitters Federation Inc. QOF):

Organization entrusted by the minister responsible for the *Act respecting tourist accommodation establishments (chapter E-14.2)* with managing the **classification program for outfitting establishments** under the *Act* and its regulation (*E-14.2. r.1*).

Short-term rental:

Refers to the process in which at least one accommodation unit is offered for rent to tourists, in return for payment, **for a period not exceeding 31 days**, on a regular basis in the same calendar year and the availability of which is made public.

Short-term rentals must be considered commercial or tourist accommodation.

Residence (permanent home):

Means a type of occupancy of an accommodation unit (house, apartment, cottage, etc.) or a room, used as a primary residence or permanent home.

Tourist:

Means a person who takes a leisure or business trip, or a trip to carry out paid work, of not less than one night outside their municipality and who uses private or commercial accommodation services.

Accommodation unit:

Applies to a room, bed, suite, apartment, house, cottage, ready-to-camp units (cabins, yurts, all types of tents, tepees, igloos, trailers, etc.), or a camp site.

SECTION 3 : ADDITION TO SECTION 3.1.4: OCCUPANCY CERTIFICATE

By-law 06-486 governing the issuance of permits and certificates, as amended, is amended by the addition of the following to Section 3.1.4:

- g) Offer one or more accommodation units for rent to tourists (short-term rental).

SECTION 4 : REPEAL AND REPLACE OF SECTION 3.3 : TARIFF OF FEES FOR THE ISSUANCE OF PERMITS AND CERTIFICATES

Section 3.3: Tariff of fees for the issuance of permits and certificates of by-law governing the issuance of permits and certificates as amended is repeal and replace by the following section :

3.3 FESS FOR THE ISSUANCE OF PERMITS AND CERTIFICATES

Fees for issuance of permits and certificates are prescribed in by-law 15-583 *Regarding fees applicable to goods, services, equipment and selected request of the Municipality of La Pêche*

SECTION 5: SPECIAL PROVISIONS APPLICABLE TO THE ISSUANCE OF A SHORT-TERM RENTAL OCCUPANCY CERTIFICATE

By-law governing the issuance of permits and certificates, as amended, is amended by the addition, after section 7.4, the following sections:

7.5 SPECIAL PROVISIONS APPLICABLE TO THE ISSUANCE OF A SHORT-TERM RENTAL OCCUPANCY CERTIFICATE

The special provisions in this section supersede all other provisions to the contrary herein.

7.5.1 Obligation to obtain a short-term rental occupancy certificate

Any natural or legal person who wants to offer an accommodation unit for rent to tourists, in return for payment, for a period not exceeding 31 days, on a regular basis in the same calendar year and the availability of which is made public, must hold an occupancy certificate issued for that purpose.

For the purposes of this by-law, each occupancy certificate application must be associated with one of the following tourist accommodation establishment categories:

1° Hotel establishments: Establishments that offer accommodation in furnished rooms, suites or apartments that have self-catering kitchen facilities, including reception and daily housekeeping services and all other hotel services;

2° Tourist homes: Establishments that offer accommodation in furnished apartments, houses, or cottages, including self-catering kitchen facilities;

For the purposes of this Regulation, a "Tourist home" is to be distinguished from a residence intended to serve as a permanent home by the owner or a permanent tenant.

3° Resorts: Establishments that offer, for an all-inclusive price, accommodation, including food services or self-catering kitchen facilities, recreational or entertainment services, and recreational facilities and equipment;

4° Bed and breakfast establishments: Establishments that offer, for an all-inclusive price, accommodation in rooms in a private residence where the operator resides and rents a maximum of 5 rooms receiving a maximum of 15 persons, including breakfast served on the premises;

For the purposes of this by-law, a « Bed and breakfast establishment » within the meaning of the Act respecting tourist accommodation establishments (chapter E-14.2) and its regulation (E-14.2. r.1), Establishments Act (Chapter E-14.2) and its regulations (E-14.2, r.1), must be considered as complementary use class 5.12.11: B & B with reference to Zoning By-law 03-429 as amended.

5° Youth hostels: Establishments that offer accommodation in rooms, or in beds in one or more dormitories, including food services or self-catering kitchen facilities and full-time supervision;

6° Educational establishments: Establishments that offer accommodation in an educational institution, governed by any Act, except if the accommodation units are rented to students of the institution only;

7° Camping establishments: Establishments that offer accommodation in ready-to-camp units (cabins, yurts, all types of tents, tepees, igloos, trailers, etc.) or on campgrounds composed of permanent sites to accommodate tents or recreational camping vehicles, motorized or not, including services;

8° Outfitting establishments: Establishments that offer accommodation in an outfitting operation within the meaning of the *Act respecting the conservation and development of wildlife (chapter C-61.1)*;

9° Other accommodation establishments: Tourist accommodation establishments that belong to none of the other classes.

7.5.2 Application form for a certificate of occupancy for short-term rental

Notwithstanding any other provision to the contrary in this by-law, any application for a certificate of occupancy for short-term rental must be made in writing on the form provided for that purpose by the municipality and be accompanied by the documents and informations necessary for the study of the occupancy request, as specified in article 7.5.3 of this by-law.

7.5.3 Documents and informations accompanying an application for a certificate of occupancy for short-term rental

Any application must be accompanied by one or more of the following documents, as applicable:

Any request must be accompanied by one or more of the following documents, as the case may be

1. A copy of the letter issued by either Corporation de l'industrie touristique du Québec (CITQ), Camping Québec, or the Quebec Outfitters Federation, confirming that an application for a classification certificate is being processed.

A copy of the classification certificate must be submitted to the Municipality within 60 days of the date of issue of the non-residential (short-term rental) occupancy certificate.

2. In all cases, the certificate of occupancy for a non-residential use must be accompanied by a copy of the deed of sale (sale) of the immovable concerned to attest that no servitude or disposition prohibits short-term rental or commercial accommodation.
3. In the case of an immovable belonging to a legal person, a copy of the enterprise register showing the name, mailing address and telephone number of the principal respondent and, if applicable, the name, the address and telephone number of his representative authorized to act on his behalf and a power of attorney signed for that purpose;
4. A copy of the plan accompanying the certificate of location or "site plan" prepared by a land surveyor not more than 60 months old of the immovable concerned by the application;
5. A copy of a plan prepared to a scale of no more than 1: 2000, showing the available parking spaces on the building concerned;
6. A copy of the fire protection service attestation stating that the building comply with the municipal regulation establishing fire safety rules for commercial accommodation;
7. If the building in question is not connected to the municipal sewer system, an inspection and capacity certificate for the waste water discharge and treatment system (septic tank) issued and signed by an engineer or professional technologist within the last 24 months.

The certificate must be filed with the Municipality within 120 days of the date of issue of the occupancy certificate for non-residential use;

8. In the case of a "tourist home", the number and type of any boat (motorized or not) made available to the occupants;

7.5.4 SPECIAL PROVISION APPLICABLE TO THE ISSUANCE OF A SHORT-TERM RENTAL OCCUPANCY CERTIFICATE

No occupancy certificate for such use can be issued for « Tourist accommodation establishment » located less than 150 meters from another « Tourist accommodation establishment » already approved (except for buildings in zones designated as CRT (recreation and tourism businesses and services), CSL (business and services for local residents), or MCS (mixed-use businesses and services);

7.5.5 Validity of a short-term rental occupancy certificate

A short-term rental occupancy certificate is valid for twenty-four (24) months from the date it was issued.

SECTION 6 : REPEAL AND REPLACEMENT OF SECTION 8.2: PENALTIES UNDER THIS BY-LAW

Section 8.2 of by-law number 06-486, governing the issuance of permits and certificates as amended, is repealed and replaced with the following section :

8.2 PENALTIES UNDER THIS BY-LAW

Anyone who violates this by-law is subject to a fine of between \$500 and \$1,000 in the case of a natural person, or between \$1,000 and \$4,000 in the case of a legal person.

For a second offence, violators are subject to a fine of between \$1,000 and \$2,000 in the case of a natural person, or between \$2,000 and \$4,000 in the case of a legal person.

Any ongoing violation of a provision in this by-law constitutes a separate and distinct offence each day.

For violations of sections 7.4 and 7.5 of this by-law, the owner of the building in question is considered responsible, even if not present when the violation was observed.

In all cases where the penalty is a fine, legal costs are extra.

SECTION 7: COMING INTO FORCE

This by-law will come into effect after all provisions provided for in the Act have been met.

ADOPTED by the La Pêche Municipal Council at a special meeting on June 23, 2019.

Guillaume Lamoureux
Mayor

Marco Déry
Director general and Secretary-Treasury

Avis de motion	:	June 3, 2019 (19-178)
Draft by-law	:	June 3, 2019
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