

REGULATION GOVERNING SHORT-TERM RENTALS IN MUNICIPALITY OF LA PÊCHE

Throughout the territory of the Municipality of La Pêche, any natural or legal person offering accommodation to tourists must hold both a certificate of municipal occupation issued for this purpose, as well as a classification certificate issued under *the Act respecting tourist accommodation establishments (chapter E-14.2)* and its regulations (*chapter E-14.1, r.1*).

A tourist is a person who 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.

Why a regulation governing short-term rentals?

The Municipality of La Pêche has a regulation on short-term rental (tourist accommodation) among others for:

- Control the quality of the facilities and services offered to the tourist clientele;
- Ensure the protection of living environments, public safety and the environment;
- Promote the maintenance and development of affordable housing;
- Ensure fairness in provincial and municipal taxation.

What is 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.

What are the categories of tourist accommodation establishments?

For the purposes of the zoning by-law, the categories of tourist accommodation establishments are as follows:

- 1° **Hotel establishments** (hotel, motel, inn, etc.);
- 2° **Tourist homes** (house, cottage, apartments condominium, etc.);
- 3° **Resorts**(recreation and tourism center);
- 4° **Bed and breakfast establishments;**
- 5° **Youth hostels;**
- 6° **Educational establishments** (public or private school, except if accommodation units are only offered to students of the institution);
- 7° **Camping establishments** (camp ground);
- 8° **Outfitting establishments** (hunting and fishing club);
- 9° **Other accommodation establishments** (...).

What are the main conditions or obligations applicable to all categories of tourist accommodation establishments?

- Obligation to obtain an occupancy certificate for a non-residential use issued by the Municipality;
- Obligation to hold a classification certificate issued by the Quebec Tourism Industry Corporation (CITQ), by Camping Québec or by the Fédération des pourvoiries du Québec (within 60 days of the date when the Municipality issued the occupancy certificate).
- Obligation to sample water from the drinking water supply well at least twice a year and have it analyzed by a laboratory accredited by the MELCC;
- Required to have enough off-street parking spaces to accommodate all occupants to avoid street or road parking, this number must be at least equal to the number of bedrooms in the building concerned;
- Obligation to comply with the municipal by-law establishing fire safety standards for commercial accommodation;
- Unless the building is connected to a municipal sewer system, obligation to submit (within 60 days of when the Municipality issued the occupancy certificate) 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.
- In all cases, the occupancy certificate for non-residential use must be accompanied by a copy of the deed of sale for the building to confirm that short-term rentals and commercial accommodation do not violate any easements or provisions.

- For condos, a letter of consent signed by the co-owners, agreeing to short-term rentals, or a letter from the condo syndicate stating that such use is allowed.

What are the main special provisions that apply to a “tourist home”?

In addition to the conditions and obligations that apply to all categories of tourist accommodation establishments, certain special restrictions apply to the “Tourist home” category:

- Limited to one of the predominant residential group use classes (5.8.1 to 5.8.8 and 5.8.15) and to one of the predominant residential building group’s construction classes (6.1.1 to 6.1.8 and 6.1.15).
- **No occupancy certificate can be issued for a new “tourist home” located less than 150 metres from another “tourist accommodation establishment” that has already been approved.** The distance is measured from one building to the other. This restriction does not apply if the other “tourist accommodation establishment” is in one of the following zones: CRT (recreation and tourism businesses and services), CSL (businesses and services for local residents), or MCS (mixed-use businesses and services).
- Tents, trailers, camper trailers, or recreational vehicles parked or stored at the building in question cannot be used as rentals;
- Renters are not allowed to transport or operate any type of boat (motorized or not) unless the boat is provided by the owner of the building in question;
- Open fires are permitted, subject to compliance with the conditions set out in by-laws 16-RM-05 and 18-RM-05-1, which establish fire safety standards.
- Such use must not be a source of noise or inconvenience that disturbs the peace and quiet of the neighbourhood

In which zones are tourist homes permitted?

Tourist homes are permitted in all zones where use classes 5.8.1 to 5.8.8 and 5.8.15 of the predominant residential group are authorized (to be confirmed with the Municipality).

What are the exceptions to the obligation to hold a municipal occupancy certificate and classification certificate for the “Tourist home” category?

Occupancy certificates and classification certificates for the “*Tourist home*” category are not mandatory in the following cases:

- When there is a festival or special event (e.g., sports, cultural, or historic event)
- During statutory holidays (Christmas, Easter, Canada Day, Patriots’ Day, Thanksgiving, etc.)
- During special breaks (e.g., spring break)
- When the owner is only offering a single room for rent in their permanent residence

Owners who violate this by-law are subject to legal action, including steep fines.

MUNICIPALITY OF LA PÊCHE

IMPLEMENTATION AND ENFORCEMENT POLICY FOR THE MUNICIPAL BY-LAW REGULATING SHORT-TERM RENTALS

Any natural or legal person offering accommodation to tourists must have both an occupancy certificate issued for that purpose and a classification certificate issued by either Corporation de l'industrie touristique du Québec (CITQ), Camping Québec, or the Quebec Outfitters Federation.

This obligation also applies to all building owners who are already subject to a "non-residential immovable" tax for one of the classes listed in the *Act respecting municipal taxation, c F-2.1*.

One of the restrictions for obtaining an occupancy certificate for a "tourist home" is the requirement for it to be at least 150 meters away from any other tourist accommodation establishment.

Many building owners hold a CITQ classification certificate that is still valid.

Given this reality, as an implementation and development policy for the new by-law regulating short-term rentals, the municipal council has decided that owners of buildings holding a CITQ classification certificate that is still valid will have priority in the municipal occupancy certificate application process.

Procedure for obtaining a municipal occupancy certificate for short-term rental purposes:

Any application for a certificate of occupancy for short-term rental must be submitted in writing on the form provided for that purpose by the municipality and be accompanied by the documents and information necessary for the study of the application, as the case may be:

1. A copy of the letter from the Quebec Tourism Industry Corporation (CITQ), Camping Québec or the Fédération des pourvoiries du Québec attesting to the opening of a file to obtain a certificate of classification.

A copy of the said certificate must be submitted to the Municipality within a maximum of 60 days from the date of issue of the occupancy certificate for non-residential use (short-term rental).

Ou :

For a building owner who holds a classification certificate that is still valid:

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 the classification certificate is still valid.**

2. copy of the deed of sale for the building to confirm that short-term rentals and commercial accommodation do not violate any easements or provisions.

For condos, a letter of consent signed by the co-owners, agreeing to short-term rentals, or a letter from the condo syndicate stating that such use is allowed.

3. For a building owned by a legal person, a copy of the business register showing the name, mailing address, and telephone number of the primary applicant and, if applicable, the name, address, and telephone number of the representative authorized to act on their behalf, as well as a signed proxy to that effect.

4. A copy of the plan accompanying the location certificate or "site plan" of the building in question drawn up by a land surveyor within the last 60 months.

5. A copy of a plan on a scale no bigger than 1:2000 showing the building's available parking spaces.

6. A copy of the certificate from the fire department showing that the building complies with the standards 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 submitted to the Municipality within 120 days of the date of issue of the non-residential (short-term rental) occupancy certificate.

8. For a "tourist home," the number and type of all boats (motorized or not) available for the occupants' use.

Fee for a short-term rental occupancy certificate:

There is a **\$50** fee for a short-term rental occupancy certificate. The fee only applies for the first year. Annual renewals are free.

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.

However, for a building owner who holds a CITQ classification certificate for a "tourist home" located within 150 metres of a "bed and breakfast" as defined in Zoning By-law 03-429, the municipal occupancy certificate will expire at the same time as the validity certificate issued by CITQ and cannot be renewed.

Penalties for violations of the municipal by-law on the issuance of permits and certificates (By-law 06-486):

Anyone who violates By-law 06-486, as amended, 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 By-law 06-486, as amended, the owner of the building in question is considered responsible, even if not present when the violation is observed.

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

Penalties for violations of the Act respecting tourist accommodation establishments (chapter E-14.2) and its regulation (E-14.2. r.1):

Any owner caught in non-compliance is liable to receive a statement of offense and is liable to a fine that may vary, depending on the offense committed:

The Minister of Revenu is responsible for inspections and investigations related to the enforcement of the Act respecting tourist establishments (Chapter E-14.2) as well as final prosecutions.