

TOURIST ACCOMMODATION TAX BY-LAW

These By-laws have been adopted by the Town Council of the Town of Happy Valley – Goose Bay pursuant to sections 7(1)(c), 8(1)(a), (e) and (r), and 129 of the *Towns and Local Service Districts Act*, SNL2023 c. T-6.2

Title

1. These By-laws may be cited as the "Tourist Accommodation Tax By-laws."

Definitions

2. In these By-laws:

- (a) **"Accommodation"** means
 - (i) a building, part of a building or group of buildings containing one or more units and includes cabins, cottages and other permanent structures,
 - (ii) land maintained as grounds for tents, trailers, recreational vehicles or other temporary or seasonal structures,
 - (iii) a boat, or
 - (iv) any other real or personal property prescribed in the *Tourist Accommodations Regulations* under the *Tourist Accommodations Act*;
- (b) **"By-laws"** means these Tourist Accommodation Tax By-laws;
- (c) **"By-law Enforcement Officer"** means a person appointed under section 278 of the *Towns Act*;
- (d) **"Guest"** means a person occupying an Accommodation by way of Short-Term Rental;
- (e) **"Operator"** means the owner or lessee of a Tourist Accommodation or other person in charge of the Tourist Accommodation;
- (f) **"Short-Term Rental"** means the provision of an Accommodation for compensation to an individual or group of individuals for overnight lodging for a period of 30 days or less;
- (g) **"Stay"** means the duration of occupancy by a Guest for a specific Short-Term Rental period;
- (h) **"Tax Remittance"** means the tax remittance required by section 9 of these By-laws;
- (i) **"Tourist Accommodation"** means an Accommodation that is offered for Short-Term Rental to the travelling or vacationing public and is registered under the *Tourist Accommodations Act*;

- (j) "**Tourist Accommodation Tax**" means the tourist accommodation tax as spoken to in these By-Laws and as imposed further to the *Towns Act*;
- (k) "**Tourist Accommodations Act**" means the *Tourist Accommodations Act*, SNL2020 c. T-6.1;
- (l) "**Tourist Accommodations Regulations**" mean the *Tourist Accommodations Regulations* as passed pursuant to the *Tourist Accommodations Act*;
- (m) "**Town**" means the Town of Happy Valley – Goose Bay; and,
- (n) "**Towns Act**" means the *Towns and Local Service Districts Act*, SNL 2023 c. T-6.2;

3. Any Operator operating a Tourist Accommodation within the Town is required to provide the Town with proof of registration of the Tourist Accommodation under the *Tourist Accommodations Act*.
4. Notwithstanding the registration of a Tourist Accommodation under the *Tourist Accommodations Act*, the operation of a Tourist Accommodation within the Town remains subject to all Town by-laws and regulations, including, without limitation, the Town's Development Regulations.

The Tourist Accommodation Tax

5. The Tourist Accommodation Tax is applicable to all Operators within the Town.
6. The Tourist Accommodation Tax is to be collected by Operators within the Town as an agent of the Town.
7. For each Stay by a Guest, the amount of Tourist Accommodation Tax to be collected by the Operator shall be 4% of the daily rate charged by the Operator for the Tourist Accommodation multiplied by the number of nights of their Stay.
8. The Tourist Accommodation Tax shall be collected by the Operator from the Guest within 15 days of the conclusion of their Stay and shall be reflected on a written invoice from the Operator to the Guest.
9. The Tourist Accommodation Tax collected by an Operator in each calendar month is to be paid to the Town by the 15th day of the subsequent month (the "**Tax Remittance**").
10. In association with each monthly Tax Remittance, the Operator shall provide the Town with the following:
 - (a) For each Tourist Accommodation, all filings made by the Operator to the Province in respect of that month, as filed further to their monthly reporting obligations under the *Tourist Accommodations Regulations*;
 - (b) The total number of nights of Short-Term Rental that were sold during the month; and,
 - (c) The monthly revenue from Short-Term Rentals during the month.

Audit and Inspection Powers

11. Without limiting the Town's inspection powers under applicable legislation or at common law, the Town has full and unencumbered rights to audit and inspect all documentation and records of an Operator towards ensuring that the Tourist Accommodation Tax has been fully and appropriately levied and collected by an Operator. Without limiting the generality of the foregoing, upon request an Operator shall provide the Town with any or all of the following:
 - (a) All invoices for Short-Term Rentals as issued during a specific period and associated confirmations of payment;
 - (b) The financial statements of the Operator;
 - (c) All records of rentals within the Operator's care, custody, or control;
 - (d) All records either to or from the Province in respect of the Tourist Accommodation; and,
 - (e) Such other documentation and information as requested by the Town.

Enforcement

12. In addition to all other lawful methods of civil debt collection, all Tax, penalties, and interest imposed under this By-law may be sued for and collected by an action in the name of the Town as a civil debt due to the Town by the Operator. In any such proceeding, the Town shall be entitled to its full costs of collection, including, without limitation, its legal costs incurred in respect of the proceeding.
13. If an Operator fails to collect the Tourist Accommodation Tax for any specific Stay, the Operator shall pay a penalty to the Town equivalent to the amount of Tourist Accommodation Tax that otherwise would have been payable.
14. In the event an Operator fails to submit their Tax Remittance and supporting records as required by these By-laws, the Town may estimate the Tourist Accommodation Tax that should have been collected by the Operator for the preceding month, with that estimate then being payable by the Operator to the Town:
 - (a) Where an Operator provides records to the Town after the Town makes an estimate under section 14 that shows to the satisfaction of the Town an amount of payable Tourist Accommodation Tax different from that estimated by the Town, the Town shall adjust its tax records and shall rebate any excess Tourist Accommodation Tax paid by crediting the rebate to subsequent taxation months or add additional Tourist Accommodation Tax owing to the next month's Tourist Accommodation Tax;
 - (b) Any subsequent provision of records by an Operator further to section (a), above, towards a possible adjustment of the invoiced estimate must be submitted to the Town no later than March 31 of the tax year following the implementation of the estimate at issue; and,

- (c) In all instances where an adjustment has been made further to section (a), above, there shall be a penalty, for each applicable month, of \$250.
- 15. The Tourist Accommodation Tax payable to the Town by an Operator and any penalty or estimate shall be subject to simple interest of one (1) % per month from the required date of Tax Remittance.
- 16. In the event of a breach of this By-law, including where Tourist Accommodation Tax has been unpaid, where an Operator has refused to provide the Town with supporting documentation as requested by the Town, or where an Operator has failed to provide the Town with proof of registration under the *Tourist Accommodations Act*, the Town may disconnect the service of a water system, sewer system, or water and sewer system as provided to the Accommodation on 30 days notice to the Operator.
- 17. Any outstanding Tourist Accommodation Tax, penalty and/or applicable interest constitute a lien against the applicable Accommodation until payment is made in full:
 - (a) A lien under this section attaches on the date on which the Tourist Accommodation Tax or penalty was due to the Town and continues for a period of 6 years after that attachment or 6 years after the last payment on account of the Tourist Accommodation Tax or penalty or acknowledgement of the Tax or penalty has been made or given to the Town, whichever is later;
 - (b) A lien under this section ranks in priority over a grant, deed, lease or other conveyance and over a judgment, mortgage or other lien or encumbrance affecting the Accommodation or the title to the Accommodation to which the lien applies;
 - (c) The registration of a grant, deed, lease or other conveyance or of a judgment, mortgage or other lien or encumbrance, whether it was before or after the time the lien attached, does not affect the priority of the lien; and,
 - (d) It shall not be necessary to register a lien imposed under this section in the Registry of Deeds established under the *Registration of Deeds Act, 2009*;

General

- 18. In the case of an inconsistency between the provisions of these By-laws and the provisions of the *Towns Act*, the *Tourist Accommodations Act*, or any regulations passed thereunder, the provisions of those Acts shall govern to the extent of such inconsistency.
- 19. These By-laws were adopted by Council at a meeting held on December 16, 2025 and are effective as of April 1, 2026.