



CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER 2018-131

Municipal Accommodation Tax By-law

WHEREAS section 400.1 of the *Municipal Act, 2001*, S.O 2001, c.25, (the "Act") provides that the council of a local municipality may pass by-laws imposing a tax in respect of the purchase of transient accommodation within the municipality;

AND WHEREAS pursuant to section 400.1 of the Act and the Ontario Regulation 435/17, the Council of The Corporation of the Town of Huntsville wishes to establish the tax rate and to levy on the purchase of transient accommodation within the Town of Huntsville;

AND WHEREAS pursuant to section 400.1 (3) and 400.4 of the Act, Council can establish enforcement measures as Council considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due;

AND WHEREAS Council wishes to add the arrears of the MAT, interest and penalties to the tax roll for the properties in the Town of Huntsville registered in the name of the Provider to be collected in like manner as property taxes and such arrears shall constitute a lien upon the lands, but pursuant to section 400.4(2) of the Act, such lien shall not be a priority lien for the purposes of subsections 1(2.1), (2.2) and (3) of the Act and such lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:

DEFINITIONS

1. For the purposes of this By-law:

"Accommodation" means Lodging, whether in a hotel, motel, motor hotel, lodge, inn, resort, bed and breakfast or other establishment providing lodging, and the right to use Lodging, that is provided for consideration, whether or not the lodging is actually used;

"Council" means the Council of The Corporation of the Town of Huntsville;

"Eligible Tourism Entity" has the meaning given to it in the Ontario Regulation 435/17, as amended.

"Establishment" means the physical location, a building or part of a building that provides Accommodation;

"Lodging" includes:

- (a) the use of a bedroom, a suite of rooms containing a bedroom, or the use of a bed within a bedroom;

(b) the use of one or more additional beds or cots in a bedroom or suite.

"Municipal Accommodation Tax" or **"MAT"** means the tax imposed under this By-law;

"Provider" means a person or an entity that sells, offers for sale, or otherwise provides Accommodation, and includes agents, hosts or others who sell, offers for sale or otherwise provides Accommodation;

"Purchaser" means a person who purchases Accommodation;

"Purchase Price" means the price for which Accommodation is purchased, including the price paid, and/or other consideration accepted by the Provider in return for the Accommodation provided, but does not include the goods and services tax imposed by the Government of Canada or by the Province of Ontario;

"Town" means the Corporation of the Town of Huntsville.

Payment of MAT

2. Subject to the exemptions provided in Section 3, a Purchaser shall, at the time of purchasing Accommodation, pay the Municipal Accommodation Tax in the amount of four (4) per cent of the Purchase Price of Accommodation provided for a continuous period of 30 days or less provided in a hotel, motel, motor hotel, lodge, inn, bed and breakfast, dwelling unit or any place in which Accommodation is provided.
 - (a) For greater certainty, the continuous period referred above is not disrupted by the purchase of different rooms, suites, beds or other lodging in the same Establishment in the course of the continuous period.

Exemptions

3. The Municipal Accommodation Tax imposed under this By-law does not apply to Accommodation provided by:
 - (a) The Crown, every agency of the Crown in right of Canada, Ontario and every authority, board, commission, corporation, office, or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;
 - (b) Every board as defined in subsection 1(1) of the *Education Act*;
 - (c) A university or a college of applied arts and technology or post-secondary institution whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating operating grants entitlements from the Crown;
 - (d) Every hospital referred to in the list of hospitals and their grades and classifications maintained by the minister of Health and Long-Term Care under the *Public Hospitals Act* and every private hospital operated under the authority of a license issued under the *Private Hospitals Act*;
 - (e) Every long-term care home as defined in subsection 2(1) of the *Long-Term Care Homes Act, 2007* and hospices;
 - (f) A hotel or motel used by the District Municipality of Muskoka or its agents for shelter purposes;

- (g) A treatment center that receives private funding, or provincial aid under the *Ministry of Community and Social Services Act*;
- (h) A house of refuge, or lodging for the reformation of offenders;
- (i) A charitable, non-profit philanthropic corporation organized as shelters for the relief of the poor or for emergency;
- (j) A tent or trailer site supplied by a campground, tourist camp or trailer park;
- (k) Employers to their employees in premises operated by the employer;
- (l) A hospitality room in an establishment that may or may not contain a bed and is used for displaying merchandise, holding meetings, or entertaining;
- (m) The following resorts:
 - (i) Clyffe House Cottage Resort;
 - (ii) Cedar Grove Lodge; and
- (n) Group Accommodation bookings with signed contracts prior to the date that this By-law takes effect.

Collection and Remittance

- 4. A Provider shall collect the MAT from the Purchaser at the time the Accommodation is purchased.
- 5. The amount of the MAT shall be identified as a separate item or charge on a bill, receipt, invoice or similar document issued by the Provider in respect of the Accommodation on which the tax is imposed and the item shall be identified as "Municipal Accommodation Tax".
- 6. A Provider shall, on or before the last day of every month, remit to the Town, or its agent, for the amount of the MAT collected for the previous month and submit the monthly statements in the form required by the Town, or its agent, detailing the number of the Accommodation sold, the purchase price of each Accommodation, the MAT amount collected and any other information as required by the Town, or its agent, for the purposes of administering and enforcing this By-law.
- 7. When a due date falls on a Saturday, a Sunday, or a public holiday recognized by the Canada Revenue Agency, the payment is considered on time if received on the next business day.

Interest Penalties

- 8. A percentage charge of 1.25 per cent of the amount of the MAT due and unpaid shall be imposed as a penalty for the non-payment of taxes on the first day of default based on the full occupancy of the Establishment unless the actual amount of the MAT owing can be determined by the Town, in that case, the percentage charge of 1.25 per cent of the actual amount of the MAT will be imposed.
- 9. An interest charge of 1.25 per cent each month of the amount of the MAT due and unpaid, shall be imposed for the non-payment of taxes on the first day of each month and subsequent months following the first day of default.

Liens

- 10. All MAT penalties and interest that are past due shall be deemed to be in arrears, and may be added to the tax roll for any real property in the Town of Huntsville registered in the name of the

Provider to be collected in like manner as property taxes and shall constitute a lien upon the lands, but such lien shall not be a priority lien for the purposes of subsections 1(2.1), (2.2) and (3) of the Municipal Act, 2001, as amended and such lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances.

Audit and Inspection

11. The Provider shall keep books of account, records, and documents sufficient to furnish the Town, or its agent, with the necessary particulars of sales of Accommodations, amount of MAT collected and remittance.
12. The Town, or its agent, may inspect and audit all books, documents, transactions and accounts of the Providers and require the Providers to produce copies of any documents or records required for the purposes of administering and enforcing this by-law, as required.

Other Penalties

13. Every Person who contravenes any provision of this By-law is guilty of an offence and, in addition to being liable for payment of the penalty imposed by section 10-11, is liable to a fine and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and the *Municipal Act*, 2001 S.O. 2001 c. 25, each as amended:
 - (a) A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00, and the total of all daily fines for the offence is not limited to \$100,000.00 as provided for in subsection 429(3)2 of the Municipal Act, 2001.
 - (b) When a person has been convicted of an offence under this by-law, the Superior Court of Justice or any court of competent jurisdiction thereafter may, in addition to any penalty imposed on the person convicted, issue an order:
 - (i) prohibiting the continuation or repetition of the offence by the person convicted; and
 - (ii) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
14. Without limiting the foregoing, the Town may establish and use other dispute resolution mechanisms and enforcement measures if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due, including measures such as garnishment, the seizure and sale of property and the creation and registration of liens as it considers appropriate.

Delegation of Authority

15. The Chief Administrative Officer, or designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with another person or entity as agent for the Town, providing for the implementation and collection of the Municipal Accommodation Tax, all in a form satisfactory to the Town's Solicitor.
16. The Chief Administrative Officer, or designate, is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with Eligible Tourism Entity(ies) that receive(s) an amount of the MAT respecting reasonable financial accountability matters in order to ensure that amount paid to the entity is used for the exclusive purpose of promoting tourism, and the agreements may provide for other matters, all in a form satisfactory to the Town's Solicitor.

17. The Director of Corporate Services or designate, shall be responsible for the administration of this By-law, including but not limited to approvals, appeals, enforcement, collection, and for instructing the Town's Solicitor to take such legal action as may be considered appropriate.

General

18. This By-law shall come into effect on April 1st, 2019.
19. If any section or portion of this By-law is found by a court of competent jurisdiction to be invalid, it is the intent of Council for the City that all remaining sections and portions of this By-law continue in force and effect.

READ a first time this 29th day of October, 2018

Mayor (Scott Aitchison)

Clerk (Tanya Calleja)

READ a second and third time and finally passed this 29th day of October, 2018.

Mayor (Scott Aitchison)

Clerk (Tanya Calleja)