



The Innkeepers Guild

Incorporated April 15th 1939 under a special Act of the Nova Scotia House of Assembly

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BY EMAIL

March 16th 2007

Mr. Len Goucher
Minister of Tourism, Culture and Heritage
Province of Nova Scotia
Halifax, N.S.
B3J 2R5

-and -

Ms. Maureen Reid
BoardWorks Consultants
951 Ivanhoe Street
Halifax, NS
B3B 2X2

Re: Response to the Discussion Paper, "A Review of the Nova Scotia Tourism Accommodations Act"

The Innkeepers Guild of Nova Scotia sees this discussion paper and Review Process as a partial first step in addressing problems currently faced by licensed owners and operators of accommodations and campgrounds in Nova Scotia..

The Innkeepers Guild believes that the paramount issue remains the presence of unlicensed properties providing accommodation services. It is now 11 years since the latest version of the Act came into force. Our membership finds it difficult to understand that only now has the Department discovered that it cannot enforce the current Act. Our membership also finds it hard to understand that the Department has apparently not attempted to prosecute a single case during these 11 years, especially since the Auditor General in his 2004 Report pointed out that the unlicensed property issue was a major concern, and no impediments to enforcement were mentioned at that time.

The Innkeepers Guild of Nova Scotia therefore recommends that the urgent priority for this review is that the Department of Justice be asked to provide detailed legal advice on viable legal options available to provide enforcement of the current or a similar Tourist Accommodation Act.

The introduction of a **mandatory quality-rating program** is a second and quite separate issue from unlicensed properties. This idea was raised by the Department of Tourism, Culture, and Heritage for the first time in the Discussion Paper and the Department has not yet explained any rationale for introduction of such a requirement. Innkeepers Guild of Nova Scotia believes that introduction of a mandatory **quality-rating program would be counter-productive for the industry, and would cause serious harm to the smaller properties which we mainly represent.**

We also do not believe that the Department has any legal authority to force owners to buy a quality-rating service from a third party. Incidentally, we also wish to place on the record the comment that customer complaints to the Department of Tourism, Culture, and Heritage have recently increased, while during the same period there has been an overall increase in participation in the Canada Select accommodation quality-rating program.

The Innkeepers Guild of Nova Scotia intends to remain constructive participants in the Review process. We have asked a number of important questions regarding the process based on our members need to be informed about the potential major changes in the Act governing the operation of their business. We would also like to point out that other Departments, for example Environment and Labour, have used fully public processes to perform similar reviews. In that light, we have requested and await certain reference documents, including the overall schedule for this Review.

We also are concerned about changes to the Review process that have occurred after the process was initiated. We are pleased that the Department has responded positively to our request that all licensed properties be made aware of the process and invited to make submissions. On the other hand, we are very concerned about the role of the Tourism Partnership Council, as it has apparently now received a new gatekeeper role in mid-process.

It is our understanding that all stakeholders as defined by the Department have submitted positions through the Consultant hired by the Department. We are under the impression that the Consultant will provide her report by the latter part of April. We are anticipating that by mid May all stakeholder groups will receive a written response to our various positions, and a briefing by the Department on this phase, as well as the plan for the next phase with the Department's revised Options and Proposal.

We look forward to continuing to work with the Department to help build a strong and viable Tourism Industry for years to come. Thank you for considering our response.

Sincerely,

The Innkeepers Guild of Nova Scotia,

A handwritten signature in blue ink, appearing to read 'Peter Sheehan', with a long, sweeping underline.

Peter Sheehan, President

cc. Members of the Innkeepers Guild of Nova Scotia

A Response to the Discussion Paper and Act Review

FROM: The Innkeepers Guild of Nova Scotia

DATE: March 16, 2007

The Innkeepers Guild of Nova Scotia believes this exercise should first concentrate on the issues of Unlicensed Accommodation Properties and Mandatory Participation in a Quality Rating Program as the two core and urgent issues. The Unlicensed Properties situation has been allowed to fester for 11 years without any enforcement action, and the number of potential cases has doubled in the last two years to 400-500. The Mandatory Quality Rating Program issue has the potential to negatively impact many operators, as this year's Canada Select criteria changes have done.

Unlicensed properties

The Innkeepers Guild of Nova Scotia hereby affirms its 2006 position with respect to the Act itself, namely that it should simply be enforced. The primary concern is the number of unlicensed properties that are allowed to flourish in the Province to the detriment of licensed properties operated by law-abiding citizens. If the Department of Justice confirms that the Act cannot be enforced, then we would expect the Department of Tourism, Culture, and Heritage and the Department of Justice would cooperate in offering a new proposal for an enforceable Tourism Accommodation Act.

Quality Rating Program

The Innkeepers Guild of Nova Scotia remains opposed to a mandatory / legislated quality-rating program. The 1995 Tourist Accommodation Act itself provides for the safety, basic comfort and standards of cleanliness for the traveling public. We believe that enforcement of these standards should result in tourists to Nova Scotia receiving a higher quality accommodation experience than anywhere else in North America. Adoption of any rating program beyond that is a marketing decision on the part of the owner/manager of a property. We believe the Department should not force, and may not have any legal authority to force, purchase of a service from a particular third party, but rather should be open to promoting any Canadian or International rating scheme as requested by the owner. In addition many of our members have serious questions about the operation of Canada Select and would be opposed to that organization in particular receiving such a monopoly.

Summary

This position paper relates solely to the two core urgent issues identified in the Discussion Paper. The process only allowed 39 days for our members to be briefed by our Guild, develop their views and reach final positions. We have received numerous emails and held many meetings and conversations. We could have written dozens of pages in support of various positions on a wide array of issues. In some cases there are serious and legitimate differences of opinion based on the needs and position of varying operations.

During the last month, our membership has raised numerous issues that relate to other sections of the Act, and many policy and process problems that owners have encountered and felt should be addressed during a detailed Review. Some of the issues raised include Doers and Dreamers policies, VIC policies, university residence licensing, the licensing fee structure, RTIA's, contracting out, third party contracts, marketing, monitoring, communication and planning. These issues need much more time commitment than was available in this process. It is the intention of the Innkeepers Guild to pursue these other issues with the Department to ensure this Industry remains vibrant and strong over the long term for the benefit of our members and for all citizens of the Province.