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MLA



RENTAL REGISTRY ACT

BILL NO.

2024

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Definitions

In this Act

- (a) “**Minister**” means the Minister of the Crown designated by the Lieutenant Governor in Council to administer this Act;
- (b) “**owner**” means the owner of a rental unit, the owner’s agent or another person who, on behalf of the owner, permits occupation of a rental unit under a tenancy agreement;
- (c) “**Registrar**” means the person designated by the Minister to be the Registrar of Rental Units, and includes their delegate;
- (d) “**rent**” means means money agreed to be paid by or on behalf of a tenant to a landlord in return for the right to possess a rental unit, for the use of common areas and for services or facilities, but does not include
 - (i) a security deposit, or
 - (ii) a fee prescribed under clause 107(1)(j) of the *Residential Tenancy Act* R.S.P.E.I. 1988, Cap. R-13.11;
- (e) “**rental unit**” means living accommodation rented to a tenant and, with respect to a person who rents a mobile home site for the person’s mobile home, includes the mobile home site;
- (f) “**services or facilities**” means a service or facility as defined in clause 1(s) of the *Residential Tenancy Act*;
- (g) “**tenancy agreement**” means a tenancy agreement as defined in clause 1(w) of the *Residential Tenancy Act*.

2. Application

- (1) Subject to subsection (2), this Act applies to all rental units in the province.

Non-application

- (2) This Act does not apply to
- (a) temporary accommodation licensed under the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3, except when the temporary accommodation under that Act is provided as accommodation for a guest for a continuous period of two months or more;
 - (b) living accommodation provided in a hospital, nursing home or other facility established to provide personal care for individuals;
 - (c) living accommodation owned or operated by an educational institution and provided by that institution to its students;
 - (d) living accommodation provided as a residential institution under the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3;
 - (e) living accommodation provided by a co-operative housing corporation to its members or shareholders, except as provided for in the *Co-operative Associations Act* R.S.P.E.I. 1988, Cap. C-23;
 - (f) rental units or classes of rental units prescribed by the regulations.

3. Registration following proclamation

All rental units in the province shall be registered in accordance with this Act within one year of the date on which this Act is proclaimed.

4. Appointment of Registrar

- (1) The Minister shall appoint a person as the Registrar of Rental Units for the purposes of this Act.

Delegation of functions

- (2) The Registrar may delegate, in writing, one or more of the Registrar's functions under this Act to an employee of the civil service and impose any terms or conditions that the Registrar considers appropriate on the delegation.

5. Prohibitions

No person shall

- (a) operate a rental unit that is not registered under this Act; or
- (b) contravene this Act, or fail to comply with a requirement of registration under this Act.

6. Application for registration

- (1) An owner of a rental unit shall submit an application for registration to the Registrar in a form and manner satisfactory to the Registrar.

Required information

- (2) An application for registration shall include the following information for each rental unit:
- (a) the owner's name and contact information, including a mailing address, email address, and telephone number;
 - (b) the address of the rental unit;

- (c) a description of the rental unit
- (d) the rent associated with the rental unit;
- (e) a list of the services or facilities included in the rent;
- (f) a copy of the most recent tenancy agreement for the residential unit; and
- (g) any additional information required by the Registrar.

Application fees

- (3) The Lieutenant Governor in Council may, by regulation, prescribe one or more fees respecting registration.

7. Registration

- (1) The Registrar may register a rental unit if the owner has completed the application form with all required information included.

Incomplete information

- (2) An incomplete application for registration is deemed to be refused.

Information to be accurate

- (3) An owner shall ensure that all information required under subsection 6(2), is accurate.

Change in information

- (4) Where there is a change in any of the information required under subsection 6(2), the owner shall, within 30 days, provide the new information in a form and manner satisfactory to the Registrar.

Verification of information

- (5) Where the Registrar has reasonable grounds to believe information provided under subsection 6(2) or subsection (4) is not accurate, the Registrar shall take reasonable steps to verify the accuracy of the information included in the application.

Owner to correct inaccurate information

- (6) If the Registrar determines that information provided under subsection 6(2) or subsection (4) is not accurate and advises an owner of this, the owner of the rental unit shall provide to the Registrar, as soon as is practicable, accurate information in relation to the rental unit.

8. Registry

- (1) The Registrar shall establish and maintain a registry of rental units in which shall be kept a copy of all applications for registration filed under this Act as revised by other documents submitted to the Registrar under this Act.

Organization of Registry

- (2) The Registry shall be organized in the manner and kept in the form that the Registrar determines.

Public inspection

- (3) Subject to subsection (4), the Registry shall be available for public inspection electronically on-line, including through the internet, and in any other manner and during the time that the Registrar determines.

Information available for inspection

- (4) With respect to public inspection of the Registry, the Registrar shall only make available for inspection the following information:
- (a) the address of the rental unit;
 - (b) the rent payable for the rental unit
 - (c) the services or facilities included in the rent; and
 - (d) any information prescribed in the regulations.

9. Access to tenancy agreements restricted

Notwithstanding Part I of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, a person is not entitled to access to a tenancy agreement submitted pursuant to this Act unless the person is a party to the tenancy agreement.

10. Offences

- (1) A person who
- (a) violates a provision of this Act;
 - (b) fails to do anything required by this Act;
 - (c) permits anything to be done in violation of this Act; or
 - (d) obstructs or hinders any person in the performance of their duties under this Act;
- is guilty of an offence.

Penalties

- (2) Every person who commits an offence under this Act shall be liable, upon summary conviction,
- (a) in the case of a first offence, to a fine of not less than \$250 and not more than \$10,000;
 - (b) in the case of a second offence, to a fine of not less than \$500 and not more than \$10,000;
 - (c) in the case of a third or subsequent offence, to a fine of not less than \$1,000 and not more than \$10,000.

New and separate offence

- (3) Each contravention of this Act, or the regulations, constitutes a new and separate offence.

Continuing offence

- (4) Where an offence under this Act or the regulations is committed or continued, it is a separate offence for each day or part of a day on which the offence is committed or continued.

11. Administrative monetary penalty

- (1) Subject to the regulations, the Registrar may order a person to pay an administrative monetary penalty where the Registrar is satisfied on a balance of probabilities that the person has
- (a) contravened a provision of this Act or the regulations; or
 - (b) failed to do anything required by this Act;
 - (c) permitted anything to be done in violation of this Act;
 - (d) obstructed or hindered any person in the performance of their duties under this Act.

Requirements

- (2) Before the Registrar imposes an administrative penalty on a person, the Registrar shall
- (a) give the person an opportunity to be heard; and
 - (b) consider
 - (i) whether previous enforcement actions have been imposed for contraventions of a similar nature by the person,
 - (ii) the gravity and magnitude of the contravention,
 - (iii) the extent of the harm to others resulting from the contravention,
 - (iv) whether the contravention was repeated or continuous,
 - (v) whether the contravention was deliberate,
 - (vi) any economic benefit derived by the person from the contravention, and
 - (vii) the person's efforts to correct the contravention.

Registrar's order

- (3) An order of the Registrar under this section shall
- (a) be in writing;
 - (b) be signed and dated by the Registrar;
 - (c) specify the period of time in which the penalty must be paid; and
 - (d) include the reasons for the order and the administrative monetary penalty.

Effect of administrative monetary penalty

- (4) A person subject to an administrative penalty shall not be charged with an offence in respect of the same incident that gave rise to the administrative monetary penalty.

Time period

- (5) An administrative monetary penalty imposed under this section shall be paid within the time specified by the Registrar in the order.

Vicarious liability

- (6) Where a corporation contravenes the Act or the regulations or fails to comply with an order of the Registrar under subsection (1), every employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the contravention or failure is also liable under this section even though the corporation is liable for or pays an administrative monetary penalty under this section.

Continuing breach

- (7) Where a contravention or failure referred to in section (1) occurs over more than one day or part of a day, or continues for more than one day or part of a day, separate penalties, each not exceeding the maximum penalty under the regulations, may be imposed for each day or part of a day on which the contravention or failure continues.

12. Notice of administrative penalty

Where the Director imposes an administrative monetary penalty on a person, the Director shall give to the person a notice specifying

- (a) the contravention or failure to which the penalty relates;
- (b) the amount of the penalty; and
- (c) the date by which the penalty shall be paid.

13. Recovery of administrative monetary penalty

- (1) An administrative monetary penalty imposed under section 11 is a debt due to the Government.

Failure to pay

- (2) Where a person fails to pay an administrative monetary penalty as required by a notice under section 12 the Director may file the order in the court and, on filing, the order has the same force and effect as if it were a judgment of the court and may be enforced accordingly.

Requirement for order

- (3) An order filed under subsection (2) shall be signed by the Registrar and set out
- (a) the name of the person who is liable for the administrative monetary penalty;
 - (b) the contravention or failure in relation to which the administrative monetary penalty is imposed; and
 - (c) the amount of the administrative monetary penalty.

14. Regulations

- (1) The Lieutenant Governor in Council may make regulations
- (a) generally to give effect to the purpose of this Act;
 - (b) defining any word or expression used but not defined in this Act;
 - (c) prescribing information to be provided in an application for registration under clause 6(2)(g);
 - (d) prescribing additional information that must be published under clause 8(4)(d);
 - (e) respecting the retention period of tenancy agreements received by the Registrar;
 - (f) respecting the determination of the amount of an administrative penalty;
 - (g) respecting administrative penalties, including but not limited to
 - (i) establishing procedures for providing an opportunity to be heard for the purposes of clause 11(2)(a), which need not entail an oral hearing,
 - (ii) prescribing consequences for failing to appear or provide submissions, as applicable, on an opportunity prescribed under subclause (i), which may include, but are not limited to, proceeding in the absence of the person who fails to appear or make a submission, as applicable,
 - (iii) prescribing time limits for paying administrative penalties,
 - (iv) the matters that shall be considered by the Registrar in establishing an administrative penalty in a particular case,
 - (v) prescribing a limitation period for imposing an administrative penalty and evidentiary matters in relation to that period, and
 - (vi) establishing consequences for failing to pay an administrative penalty which may include, but are not limited to, imposing additional penalties.

Scope of regulations

- (2) In making regulations under this Act, the Lieutenant Governor in Council may make different regulations for different rental units or for different classes of rental units.

15. Appropriation

The moneys required for the purpose of this Act shall be paid out of moneys appropriated for that purpose by the Legislature.

16. Commencement

This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council or January 1, 2026, whichever is earlier.