



**Town of Fogo Island
By-Law**

Policy Topic: Tourism Accommodation Tax By-Law		
Policy No:	Motion of Council: 2026-209	Effective Date: 01-01-2027
Section: Taxes	Amendment Motion:	Amendment Date:
Issued By: Finance & Administration		

1) Title

- a) This document shall be known and cited as the “Tourism Accommodation Tax By-Law.”

2) Adoption

- a) WHEREAS, under Section 129 of the Towns and Local Service Districts Act, 2024, the Town of Fogo Island is authorized to impose a municipal tax on tourist accommodations;
- b) AND WHEREAS, Council of the Town of Fogo Island, at its (July 28th , 2026) Regular meeting of Council, approved the establishment of accommodation taxes to be imposed on the purchase of accommodations of short duration within the Town of Fogo Island.
- c) NOW THEREFORE, the Town Council adopts this by-law to impose a 4% Accommodation Tax on the purchase of short-term accommodation within the municipal boundaries.

3) Administration

- i) The administration of this by-law is delegated to the Town Clerk or their designate.

4) Purpose of By-Law

- a) The purpose of this by-law is to impose a Municipal Accommodation Tax on the purchase of short-term accommodations within the Town of Fogo Island, in accordance with Section 129 of the Towns and Local Service Districts Act, 2024. The tax is intended to generate revenue to support tourism initiatives.

5) Definitions

- a) “Accommodation” shall mean hotel and short-term rentals under 30 days.
- b) “Tourist Accommodation” shall mean short-term lodging for the traveling public.
- c) “Town” shall mean the Town of Fogo Island.
- d) “Council” shall mean Council of the Town of Fogo Island.
- e) “Ancillary Charges” shall mean charges related to the purchase of accommodations, including, but not limited to, food, mini bar products, movie rentals, etc.
- f) “Purchaser” shall mean the person who makes payment in consideration for accommodation.

- g) "Provider" shall mean hotel operators and short-term rental hosts.
- h) "Broker" shall mean platforms or agents facilitating short-term bookings.
- i) "MAT" shall mean Municipal Accommodations Tax

6) Hierarchy of Authority

- a) This by-law is secondary to the *Towns and Local Service Districts Act*, the *Fire Protection Services Act*, and all other applicable provincial or federal legislation. In the event of a conflict, the provisions of higher-level legislation shall prevail.

7) Application

- a) This by-law applies to all providers of paid tourist accommodations within the Town of Fogo Island for periods of 30 days or less.
- b) All tourist accommodations must be registered under the *Tourist Accommodations Act* and hold valid permits under Fogo Island's development regulations.

8) Procedures

a) Tax Rate and Collection

- i) A Purchaser of Accommodation shall pay, at the time of purchase, a Municipal Accommodation Tax (MAT) of 4% on the purchase price of the accommodation for a continuous period of 30 days or less.
- ii) MAT does not apply to Ancillary Charges if those charges are itemized separately. If they are not itemized, accommodation tax will apply to the entire purchase price.

b) Exemptions

- i) The accommodation tax shall not apply to:
 - (a) Real property belonging to Canada or the province of Newfoundland;
 - (b) Real property belonging to a town or its agents, a regional service board or a municipal service delivery corporation;
 - (c) Real property exempted by an Act of the Legislature;
 - (d) Churches and other places of worship together with the land on which they are situated;
 - (e) Cemeteries operated by churches or non-profit organizations;
 - (f) The rectory or other principal place of residence of a religious leader in charge of a church or other place of worship where that residence is owned by the church or other place of worship, together with the land on which it is situated;
 - (g) Public health care facilities owned and operated by the Provincial Health Authority and the land on which they are situated, including student residences, but not including other residences and apartments;
 - (h) Schools as defined in the *Schools Act, 1997* and the land on which they are situated, including student residences and playing fields and other recreational facilities owned by the Crown, or in the case of a French first language school, the *Conseil Scolaire Francophone Provincial* but not including other residences and apartments;
 - (i) Universities and colleges established under the *Memorial University Act* and the *College Act, 1996*, and the land on which they are situated, including student residences and playing fields and other recreational facilities owned by them, but not including other residences and apartments;

- (j) Productive farmland and woodland and buildings on and used with respect to farm or wood production as the Minister of Fisheries, Forestry and Agriculture may designate;
 - (k) Every tent or trailer site supplied by a campground, tourist camp, or trailer park; and
 - (l) Every accommodation supplied by employers to their employees in premises operated by the employer.
 - c) Collection – Hotel Accommodation Providers
 - i) Shall list the MAT as a separate line on receipts/invoices and identify such tax as “Municipal Accommodation Tax”.
 - ii) Shall collect MAT at point of sale as agents of the Town.
 - iii) Shall remit MAT monthly, no later than the 15th day following each month, to the Town’s tax collection agent, in a manner deemed acceptable by the Town Treasurer.
 - iv) Shall submit a monthly statement, no later than the 15th day following each month, in a manner deemed acceptable by the tax collection agent, and shall include:
 - (1) Number of rooms sold;
 - (2) Purchase prices of the room sold;
 - (3) The number of rooms exempt under the by-law and proof of the Provider relied on; and
 - (4) MAT collected.
 - d) Shall provide any information as required by the Town for the purposes of enforcing this by-law.
- Collection – Short-term Accommodation Providers
- i) Shall list the MAT as a separate line on receipts/invoices and identify such tax as “Municipal Accommodation Tax”.
 - ii) If the purchase of Short-term Accommodation is made through a Short-Term Accommodation Broker, the Short-Term Accommodation Broker shall list the Municipal Accommodation Tax as a separate item on the Purchaser’s receipt or invoice and identify such as tax as “Municipal Accommodation Tax”.
 - iii) Shall collect the Municipal Accommodation Tax from the Purchaser at the time of purchase as agents of the municipality.
 - iv) If the purchase of a Short-term Accommodation is made through a Short-Term Accommodation Broker, the Short-term Accommodation Broker shall collect the Municipal Accommodation Tax at the time of purchase as agents of the municipality and remit it to the Provider of Short-term Accommodation.
 - v) Shall, on a quarterly basis within 15 days of the end of the previous quarter, remit the Municipal Accommodation Tax to the tax collection agent designated by the Town in a manner the Town Treasurer deems acceptable.
 - vi) Shall, on a quarterly basis within 15 days of the end of the previous quarter, provide a quarterly statement in the form required by the tax collection agent.
 - vii) Providers must also submit a quarterly statement detailing:
 - (1) Number of rooms sold;
 - (2) Purchase prices of the room sold;

- (3) The number of rooms exempt under the by-law and proof of the Provider relied on; and
- (4) MAT collected.

viii) Shall provide any information as required by the Town Treasurer for the purposes of administering this by-law.

e) Refunds

- i) Where a Purchaser has paid an amount that is not payable, the Town Treasurer or the Town's agent, may upon receipt of satisfactory evidence, make a determination that the amount was wrongly paid, and if such a determination is made, the Town or its agent shall refund or credit all or part of the amount, but no refund shall be made unless an application is made within twenty-four (24) months after the payment date.
- ii) Where a Provider remits a surplus in error, the Town or its agent, may upon receipt of satisfactory evidence, make a determination that an amount was wrongly paid, and if such a determination is made, the Town or its agent, shall refund all or part of the amount, but no refund shall be made unless an application for such a refund is made within twenty-four (24) months after the date of remittance.
- iii) Where a person has applied for a refund and the person's claim is in whole or in part refused, the Town or its agent shall provide a statement of disallowance in such form as determined by the Town or its agent, and the statement shall specify the amount of disallowance and the reasons for the disallowance.

f) Interest, Fees, and Liens

- i) Penalties and interest at a monthly rate of interest applicable to overdue property taxes shall apply to any outstanding Municipal Accommodation Tax and shall be payable monthly by the Providers of Accommodation on the amount of any tax payable or remittable from the business day following the date on which the Municipal Accommodation Tax was payable, or its remittance was due up to and including the date on which such tax is paid or remitted in full.
- ii) The Town Treasurer may refer the collection of any Municipal Accommodation Tax payable or required to be remitted to a bailiff or a collection agency.
- iii) Upon default of Municipal Accommodation Tax required to be paid or remitted under this bylaw, the Town Treasurer may bring an action for the recovery of the amount in any court in which a debt or money demand or similar amount may be collected, and every such action shall be brought and executed in the name of the Town.
- iv) The Town Treasurer may register a lien on any property in which Accommodation has been provided and for which tax remains owing.
- v) A fee may be charged in respect of all remittances made by cheque that are not honoured by the financial situation upon which it is drawn.

g) Audit and Inspections

- i) Every Provider shall keep, for no less than three (3) years, books of account, records, and documents sufficient to furnish the Town or its designated tax collection agent(s) with the necessary particulars of:

- (a) Sales of accommodation;

- (b) Amount of the Municipal Accommodation Tax collected; and

- (c) The remittances made to the tax collection agent.

- ii) Every Short-term Accommodation Broker shall keep, for no less than (3) years, books of account, records and documents sufficient to furnish the Town or its designated tax collection agent with the necessary particulars of:

- (a) Sales of accommodation; and

- (b) Amount of the Municipal Accommodation Tax collected.

- iii) The Town Treasurer or designate or the Town 's designated tax collection agent may inspect and audit all books, documents, transactions, and accounts of Providers and Short-term Accommodation Brokers and require Providers or Short-term Accommodation Brokers to produce copies of any document or records required for the purpose of administering and enforcing this by-law.

- iv) Every Provider or Short-term Accommodation Broker shall furnish upon the demand of the Town Treasurer or the Town 's designated tax collection agent for reasonable inspection, copies of any books, documents, transactions, accounts or records required for the purposes of the administration and enforcement of this by-law.

h) Offences and Penalties

- i) Any person who contravenes any provision of this by-law is subject to the offences, penalties, and prosecution provisions as outlined under Division 6 of the *Towns and Local Service District Act* (TLSDA). This includes, but is not limited to, fines, imprisonment, court-ordered restitution of unpaid taxes or fees, and enforcement actions such as registration of judgments in the Supreme Court.
- ii) These penalties may be imposed in addition to any other remedies or actions the Town may pursue in the enforcement of this by-law.

9) **Regular review of the By-Law**

- a) Town Council shall review this by-law every two (2) years to assess its effectiveness and identify potential areas for improvement or amendment.

10) **Effective Date**

- a) This by-law shall become effective upon the 1st day of January 2027 by Motion # 2026-209.

11) **Publication**

- a) This by-law will be posted on the Town's website following adoption by Council.

12) **Repeal of Previous By-Law**

- a) No prior by-laws are repealed by this by-law.