



CITY OF YELLOWKNIFE

**BY-LAW NO. 5099**

**BM 453**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to impose a tourist accommodation tax in the City of Yellowknife.

PURSUANT TO Sections 70.1, 70.2, 70.3, and 70.4 of the *Cities, Towns and Villages Act* S.N.W.T., 2003, c.22 (the “Act”);

WHEREAS the Council of the Municipal Corporation of the City of Yellowknife wishes to establish the tax rate and levy on the purchase of accommodation at a tourist accommodation facility within the City of Yellowknife;

AND WHEREAS the City can establish enforcement measures as the City considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due;

AND WHEREAS the City intends to use the proceeds of the tourist accommodation tax collected under this By-law for tourism promotion and development;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular sessions duly assembled, enacts as follows:

**SHORT TITLE**

1. This by-law may be cited as the “Tourist Accommodation Tax By-law” (hereinafter the “By-law”)

**INTERPRETATION**

2. In this By-law:

“Act”	means the <i>Cities, Towns and Villages Act</i> , S.N.W.T. 2003, c.22, as amended;
“City”	means the Municipal Corporation of the City of Yellowknife, in the Northwest Territories;
“Council”	means the council of the City;

“Levy”	means the tourism accommodation tax collected pursuant to this By-law;
“Operator”	means a person who, in the normal course of the person’s business, sells, offers to sell, provides or offers to provide accommodation in the City;
“Purchase price”	means the price for which accommodation is purchased, including in money, the value of the services rendered and other consideration accepted by the Operator in return for the accommodation provided, but does not include the goods and services tax;
“Remittance”	means the remittance of Levies collected by an Operator to the City;
“Remittance Period”	Means each of a quarterly period ending March 31, June 30, September 30 and December 31;
“Tourist accommodation facility”	means any premises where accommodation is provided for remuneration;

#### INTERPRETATION

3. Rules for interpretation of the language used in this By-law are as follows:
- (a) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
  - (b) This By-law is to be read with all changes of gender or number required by the context.
  - (c) Each reference to legislation in this By-law is printed in Italic font. The reference is intended to include all applicable amendments to the legislation, including successor legislation. Where this By-law references other By-laws of the City, the term is intended to include all applicable amendments to those By-laws, including successor By-laws.
  - (d) The requirements of this By-law are in addition to any requirements contained in any other applicable By-laws of the City or applicable provincial or federal statutes or regulations.
  - (e) If any section, subsection, part or parts or provision of this By-law, is for any reason declared by a court or tribunal of competent jurisdiction to be invalid, the ruling shall not affect the validity of the By-law as a whole, nor any other part of it.

**APPLICATION OF LEVY**

4. A levy of 4.0% of the purchase price of Tourist accommodation facility shall be imposed by Operators in the City.

**COLLECTION OF LEVY**

5. Operators shall collect the Levy from the purchase at the time the Tourist accommodation facility is purchased and shall remit the Levy to the City at the times and in the manner set forth in this By-law.
6. The Levy, whether the price is stipulated to be payable in cash, on terms, by installments or otherwise, must be collected at the time of the purchase on the total amount of the Purchase Price and must be remitted to the City at the times and in the manner set out in this By-law.

**SEPARATE LINE ITEM FOR LEVY**

7. The amount of the Levy shall be identified as a separate item or charge on a bill, receipt, invoice or similar document issued by the Operator in respect of the Tourist accommodation facility on which the tax is imposed and the item shall be identified as "Tourism Accommodation Tax".

**EXEMPTIONS**

8. The Levy shall not apply to:
  - (1) Accommodation that is renumerated for more than 30 days;
  - (2) The daily accommodation rate is less than \$20 per night;
  - (3) Or the subject of the levy is:
    - (i) The Government of the Northwest Territories,
    - (ii) A public agency or another reporting body as defined in subsection 1(1) of the *Financial Administration Act*.
    - (iii) A person, or his or her family, being accommodated as a result of medical travel,
    - (iv) A person staying at a hospital or health care facility, or
    - (v) Any other class of prescribed persons or bodies.

**REPORT ON LEVY**

9.
  - (1) Subject to subsection (2), unless otherwise provided, all Operators shall submit to the City, in a form acceptable to the City, a quarterly report detailing the tourist accommodation sales and Levy collected.
  - (2) The City may at any time require an Operator to provide a report of sales and Levy collected for any Remittance Period.

- (3) The report referred to in subsection (1) shall be submitted by an Operator for each place of business of that Operator, unless the City has agreed that the Operator may submit a single consolidated report for all its places of business.
- (4) The report referred to in subsection (1) shall be submitted to the City no later than the 30<sup>th</sup> day of the month following the end of the Remittance Period.

#### **REMITTANCE OF LEVY**

10. (1) The Levy collected by an Operator shall be remitted to the City no later than thirty days following the end of each Remittance Period.
- (2) If an Operator did not collect any Levy during a given month, that Operator shall nevertheless submit a report to the City to that effect in a form acceptable to the City.
- (3) Where an Operator ceases to carry on or disposes of its business, said Operator shall submit the quarterly report contemplated at section 9 and remit the Levy to the City within 30 days of the date the Operator ceases to carry on or disposes of its business.

#### **RECORDS**

11. (1) An Operator shall keep books of account, records and documents sufficient to furnish the City with the necessary particulars of:
  - (a) sales of Tourist accommodation facility,
  - (b) amounts of levy collected, and
  - (c) remittance of Levy to the City
- (2) All entries concerning the Levy in such books of account, records and documents shall be separate and distinguishable from other entries made therein.
- (3) Every Operator shall retain any book of account, record or other document referred to in this section for a minimum period of 6 years following the date on which said documents were created.
- (4) The City may, at any time, inspect and audit all books, records, accounts, transactions and other documents of an Operator and require an Operator to produce copies of any document or record it deems necessary for the purposes of administering and enforcing this By-law.

#### **CALCULATION OF LEVY**

12. Where an Operator sells Tourist accommodation facility in combination with meals and other specialized services in the form of an all-inclusive package, the Purchase Price of the all-inclusive package shall be deemed to be the Purchase Price of the Tourist accommodation facility for the purpose of calculating the Levy pursuant to section 5 hereof.

**REFUND OF LEVY COLLECTED IN ERROR**

13. If the City is satisfied that a Levy or a portion of a Levy has been paid in error, the City shall refund the amount of the overpayment to the person entitled, which shall not include interest.
14. If the City is satisfied that an Operator has remitted to the City an amount as collected Levy that the Operator neither collected nor was required to collect under this By-law, the City shall refund this amount to the Operator.

**CLAIM FOR REFUND**

15. (1) In order to claim a refund under this By-law, an Operator must:
  - (a) submit to the City an application in writing signed by the Operator who paid the amount claimed; and
  - (b) provide sufficient evidence to satisfy the City that the Operator who paid the amount is entitled to the refund.
- (2) For the purposes of subsection (1)(a), if the Operator who paid the amount claimed is a corporation, the application must be signed by a director or authorized employee of the corporation.

**INTEREST**

16. Interest is payable to the City on the Levy to be collected and remitted under this By-law at the rate of 1.5% per month on all levies not paid on the prescribed date.

**LIEN**

17. Any Levy payable under this By-law and interest thereon owed to the City shall, until they are fully paid, form a lien and charge against the Operator's lands, and the City may file with the Land Titles Office a notice to that effect.

**INSPECTION, AUDIT and ASSESSMENT**

18. A person appointed by the City may enter at a reasonable time the premises where the records of an Operator are kept.
  - (a) To determine whether or not:
    - (i) The person is an Operator or the premises are a Tourist accommodation facility within the meaning of this By-law, or
    - (ii) This By-law is being and has been complied with, or
  - (b) To inspect, audit and examine books of account, records or documents.

**ENFORCEMENT**

- 19. (1) By-law enforcement officers are hereby authorized to carry out any inspection necessary for the administration or enforcement of this By-law.
- (2) By-law enforcement officers are hereby authorized to take such actions, exercise such powers and perform such duties as may be set out in this By-law or in the *Cities, Towns and Villages Act* and as they may deem to be necessary to enforce any provision of this By-law.

**OFFENCES**

- 20. (1) A person who violates any of the provisions of this By-law is guilty of an offence and liable on summary conviction to a fine of \$500.00.
- (2) If an offence continues for more than one day, the fine established at subsection (1) shall be multiplied by the number of days during which the offence continues

**ADMINISTRATIVE PENALTIES**

- 21. (1) The City may require an administrative penalty to be paid with respect to a violation of any provision of this By-law as set out in subsection 20(2).
- (2) A person who violates any provision of this By-law may pay to the City within 30 business days from the date of such violation an administrative penalty of \$250.00, and upon such payment, the person who committed the violation is not liable to be prosecuted therefor.

**EFFECT**

- 22. That this by-law shall come into effect as of April 1, 2025 and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this   9   day of   December  , A.D. 2024.

<Original Signed by the Mayor>

\_\_\_\_\_  
Mayor

<Original Signed by the City Manager>

\_\_\_\_\_  
City Manager

Read a Second Time this 9 day of December, A.D. 2024.

<Original Signed by the Mayor>

\_\_\_\_\_  
Mayor

<Original Signed by the City Manager>

\_\_\_\_\_  
City Manager

Read a Third Time and Finally Passed this 9 day of December, A.D., 2024.

<Original Signed by the Mayor>

\_\_\_\_\_  
Mayor

<Original Signed by the City Manager>

\_\_\_\_\_  
City Manager

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

<Original Signed by the City Manager>

\_\_\_\_\_  
City Manager