



Federation of Ontario Bed & Breakfast Accommodation



the bed & breakfast **voice**

Your Voice for Your Choice

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Are B&Bs private homes or public facilities? *Facing the right to refuse*

One of the most compelling issues facing the Bed & Breakfast industry today concerns the question of whether a B&B is a public facility or a private residence. The answer to that will eventually determine everyone's rights and freedoms—both visitors and hosts.

definitions

In today's Canada, the question of personal rights and freedoms seems always in the news. Any member of any visible group has a position on this, and rightly so. Throughout history, minorities, whether they be cultural, ethnic, religious, economic, social, indigenous or handicapped, have often suffered at the rule of the majority.

All that has changed now. Ignoring minority rights is no longer acceptable on any

front, and in general, that is a very good thing.

Where this becomes something of a challenge is when the rights and freedoms of others begin to overlap, and at times, conflict with our own. It's a subject that quickly enters dangerous territory. Nevertheless, it's a subject our industry needs to address with government regulators.

The challenge

When it comes to private residences, the matter of personal rights turns gray. There are currently several cases before the courts in which a Bed & Breakfast turned away a blind guest with a seeing eye dog. While this is entirely politically incorrect, can this action be considered appropriate in some circumstances? One would be hard-pressed to refuse a blind person with a trained, working animal, access to a public library, public transit, a commercial hotel, or any other public building. But are Bed and Breakfasts truly public?

Ontario Bed & Breakfasts are typically private homes in which the owners live and share their living space with guests who

generally stay for no more than a few days. If a host had an allergy to dogs, whose rights would be superceded? What if the allergy belonged to another guest? What if the hosts, as is the case in some societies, had a deep, culturally ingrained fear of dogs of any kind?

Difficult questions, indeed.

Let's step back a minute. What if your Bed & Breakfast was "adult oriented"? Under Canada's current definition of personal rights and freedoms, do you under any circumstances retain the right to refuse accommodation to a child? What if that child were an infant? What if there were potential dangers to children, such as open water or steep rocks, that they might be harmed were they not closely supervised? What would be the consequences if harm came to them, supervised or not? In the context of your own private home, would you retain the right to refuse?

It is the position of FOBBA that members retain the right to control the environment, because that environment exists in a space that is, in the end, private. No reason-

...continued page 2



Right to refuse, continued from page 1...

able person would expect a traveller to walk into the front door of a B&B without knocking, use the nearest washroom, and leave. Yet this is exactly what happens in a hotel. That's because hotels are public. Bed & Breakfasts are not.

This issue was first framed in the aftermath of Ontario Drinking Water Regulation 170, where FOBBA and other proponents of regulatory change argued that small private systems that service the public cannot be held to the same set of standards as larger distribution systems. The argument of private residences is now being applied to the requirement to test water samples at private labs, even though all rural homeowners in Ontario are afforded the right to do free testing through the Public Health Units located throughout the province.

Soon, the definition of what constitutes a Bed & Breakfast will spill over into what is known as the Accessibility Act, whereby future B&B operators may be required to meet the same standards as public facilities with regard to wheelchair access, and accommodation of handicapped persons with a variety of conditions. The problem is that most B&Bs do not earn the level of revenue required to afford these changes, or

the requirements simply cannot be implemented given the configuration and layout of the home.

On the matter of guide dogs, we have heard from a number of members who, although they have an across-the-board no pets policy, have made exceptions for working dogs, especially when advised in advance. The fact is, guide dogs are not pets at all. They provide an essential service to the blind, by which the sight-impaired are able to extend their world and their experience of it. The feedback we have received is that hosts "hardly knew the dog was there."

However, the question of allergies—both hosts' and other guests'—is a separate matter altogether, and policies with regard to working animals invariably need to be looked at on a case by case basis.

But the larger issue remains: who retains the right to determine what happens in a private home, even when that home is temporarily available to Bed & Breakfast visitors?

It's a question that is not going away. And FOBBA intends to ensure that the rights of private homeowners are respected. We believe there is a balance between the rights of hosts and visitors. But it should be up to the industry itself to define and determine what those rights are, and have them supported by government regulators. ★

Talking to Government

On February 23, as members of the Tourism Industry Association of Ontario (TIAO), two FOBBA Directors were invited to attend Tourism Day at Queens Park, where the new Ontario Tourism report (*a.k.a. the Sorbara Report*) was the focus of discussion.

It was an encouraging day of meeting various MPPs, Ministers and Ministry representatives, and networking with other invested tourism partners. The consensus between government and industry underscored the need and the desire for the various groups to work together to promote tourism, and to clarify a number of contentious recommendations in the report.

FOBBA is pleased to see that Bed &

Breakfasts have been welcomed to this forum, and that we are the recognized organization to represent our industry. Our discussions will continue with the Ministries of Tourism, Municipal Affairs, and Health and Long-Term Care, to address the specific issues affecting our industry. ★

Our Five-Year Strategic Plan

...is now available to members online. Simply login to the Members Only section of the website. If you are a non-member and would like to read our plan for the future of our industry, please email vp@fobba.com.

2009: The First 60 days

...saw 21 new members join FOBBA.

Congratulations, and Welcome!



Definition of a Bed & Breakfast

The following definition of a B&B has been adopted by a number of local Associations across Ontario, and is a central focus in our efforts to help government and tourism agencies understand our industry, and deal with us in an appropriate way.

FOBBA defines a Bed and Breakfast as:

"An owner-occupied private residential dwelling that is the owners' principal residence and in which the owner has control of the environment. It provides temporary accommodation not exceeding 28 consecutive days, and amenities and services ancillary to guest accommodation, including the preparation and service of breakfast for an all inclusive fee."

Join FOBBA!

Visit www.fobba.com today

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