



**OFFICE OF THE  
INFORMATION and PRIVACY COMMISSIONER  
for Prince Edward Island**

<b>Public Body</b>	City of Charlottetown
<b>OIPC File No.</b>	C/25/00060
<b>Statute and Sections for Review</b>	<i>Freedom of Information and Protection of Privacy Act</i> Sections: 15 [personal privacy] 37 [disclosure of personal information] 64.1 [refusal to conduct an inquiry]
<b>Decision #</b>	D-25-004
<b>Decision-Maker</b>	Denise N. Doiron, Information and Privacy Commissioner
<b>Date of Decision</b>	<b>May 13, 2025</b>

**Summary:**

An individual made a complaint about the City of Charlottetown (the “City”) posting on their website personal information of individuals to whom the City has granted licenses for short-term rental accommodations.

The Commissioner refused to conduct an inquiry, pursuant to clause 64.1(b) of the *Freedom of Information and Protection of Privacy Act* (the “FOIPP Act”) because (a) the individual did not have standing to make a privacy complaint as they had not been granted a short-term rental accommodation license and the City had not posted their information on the website; and (b) the *FOIPP Act* authorizes the City to make the complained-about information publicly available.

**Request for Review:**

In March 2025, an individual (the “Complainant”) made a complaint to our office and asked for a review of the City’s practice of posting on their website the names of individuals who had been granted a permit to operate a short-term accommodation rental under the City’s Short-term Rental Licensing Bylaw, along with the addresses of the licensed properties.

The Complainant stated that they intended to apply for a license to operate a short-term rental but had not followed through because they objected to their name and address being available publicly on the City's website. The Complainant asserted their belief that the City was not permitted to make the owners' names and addresses publicly available without their consent, and requested our office conduct a review of the City's practice of posting this information on their website.

#### **Analysis:**

Not all requests for review proceed to an inquiry. One of the first things I do when we receive a privacy complaint is conduct a preliminary assessment of the complaint, to assess whether an inquiry is warranted. I review the information provided by a complainant and do a preliminary examination of whether a public body may have authority to collect, use or disclose personal information in the circumstances alleged.

Based on a preliminary review of the information provided by the Complainant and an examination of the authority of the City, this complaint has no possibility of success, for two reasons. First, the Complainant's personal information had not been disclosed by the City at the time of the complaint and, second, even if the Complainant's information had been disclosed by the City, the City was authorized to do so and does not require consent.

The City posts on their webpage a current list of all properties that are approved to operate as short-term accommodation rentals in the City, including the following information:

- Name (name of the owner/operator host, and business name if applicable)
- Property details (civic address, PID, and dwelling type), and
- Associated dates (application date, approval date, and inspection date)

I agree that the following is personal information:

- names of individual owners or operators
- the fact that they own a property, and
- that the City approved them for a short-term rental tourist accommodation license/permit.

A person who believes that a public body mishandled their personal information may ask the Commissioner to review that matter. Here, the Complainant is not alleging the City has inappropriately disclosed their personal information, but rather that the City will do so in the future if the Complainant is granted a permit for them to operate a short-term rental.

Because the Complainant's personal information had not been disclosed by the City at the time the complaint was made, the Complainant does not have the right to ask for a review, and I do not have authority to conduct an inquiry into the complaint.

However, for clarity, even if the Complainant's personal information had been disclosed, I would decline to conduct an inquiry because the *FOIPP Act* authorizes such a disclosure.

The City is allowed to disclose personal information without an individual's consent if it is not an unreasonable invasion of their personal privacy<sup>1</sup>. The *FOIPP Act* says it is not an unreasonable invasion of personal privacy to disclose someone's name and the nature of a license or permit that the City granted, that relates to real property (land and any building or structure on the land)<sup>2</sup>. The information being posted to the City's website about licensed short-term accommodation rentals is, on the face of it, a permitted disclosure.

The *FOIPP Act* also allows the City to disclose personal information for any purpose in accordance with an enactment of Prince Edward Island that authorizes or requires the disclosure<sup>3</sup>. In accordance with the *Interpretation Act*, R.S.P.E.I. 1988, Cap. I-8.1, a Bylaw of the City duly enacted under their authority as a municipality is as an "enactment".

Under the City's Short-Term Rental Licensing Bylaw (Bylaw #2023-PH-STR.2-000), which came into effect on November 1, 2023, those wishing to operate a short-term rental accommodation must be licensed to do so by the City. This Bylaw also requires that the City maintain a Registry of all short-term rentals in the City, which is defined as a publicly available registry or list of the short-term rentals which have an active license.

The Bylaw further states that the Registry must include the civic address and Property Identification Number (PID) of the short-term rental, the dwelling type, the name of the owner and operator host, the trade or business name, if any, the date of the application, the date of approval, the registration number assigned by the City, and inspection date, if any<sup>4</sup>.

Of note, Bylaw #2023-PH-STR.2-000 requires that all short-term rentals also be licensed by the Government of Prince Edward Island under the *Tourism Industry Act*, R.S.P.E.I. 1988, Cap. T-3.3. The Government of Prince Edward Island makes the same information publicly available.

Section 5.6 of the Bylaw also requires every license granted for a short-term rental accommodation to be prominently displayed in or on an entryway door or window of the short-

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<sup>1</sup> Clause 37(1)(a.1) of the *FOIPP Act*

<sup>2</sup> Subclause 15(2)(g)(ii) of the *FOIPP Act*

<sup>3</sup> Clause 37(1)(e) of the *FOIPP Act*

<sup>4</sup> Section 7 of City of Charlottetown Bylaw #2023-PH-STR.2-000

term rental<sup>5</sup>, which is readily and publicly visible from the outside. Similarly, Tourist Accommodation Licenses issued by the Government of Prince Edward Island are also required to be posted visibly in the licensed premises. Therefore, the information is also available to the public through this avenue.

The Complainant mentioned that they believed there was a decision from our office prohibiting the province from disclosing similar information. I confirm that there is no such decision in our province, which is supported by the fact that the Government of Prince Edward Island's website also posts a list of tourist accommodations licensed by the province, with information similar to that posted by the City.

**Decision:**

Subsection 64.1(b) of the *FOIPP Act* gives the Commissioner the authority to refuse to conduct an inquiry if, in the opinion of the Commissioner, the circumstances warrant refusing to conduct an inquiry.

In my opinion, the circumstances of this complaint warrant refusing to conduct an inquiry because the City has not disclosed the Complainant's personal information, and, if the City were to grant a license to the Complainant to operate a short-term rental and post the Complainant's personal information in conjunction with the granted license, it is plain and obvious that the City would be authorized to disclose the information under the *FOIPP Act*.

For these reasons, I am refusing to conduct an inquiry in this matter, pursuant to subsection 64.1(b) of the *FOIPP Act*.

  
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Denise N. Doiron  
Information and Privacy Commissioner

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<sup>5</sup> Section 5.2 of City Bylaw #2023-PH-STR.2-000