

Clause No. 20 in Report No. 13 of the Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 11, 2014.

## **20 NEW LODGING HOUSES BYLAW**

**Committee of the Whole recommends adoption of the recommendations contained in the following report dated August 14, 2014 from the Commissioner of Community and Health Services:**

### **1. RECOMMENDATIONS**

It is recommended that:

1. Council authorize the enactment of a new Lodging Houses Bylaw, a bylaw to provide for the issuance of licences for lodging houses (see *Attachment 1*).
2. Bylaw LI-0012-2005-16, as amended, be repealed, effective the date of enactment of this new bylaw.

### **2. PURPOSE**

The purpose of this report is to request that Council enact a new Lodging Houses Bylaw and delegate approval authority for issuing licenses to the General Manager of Social Services. The report and bylaw also recommend the establishment of a new Licensing Committee and streamlines the licensing and compliance process.

### **3. BACKGROUND**

**The Regional Municipality of York has authority under the *Municipal Act* to license lodging houses**

Section 11 of the *Municipal Act* gives The Regional Municipality of York the legal authority to license lodging houses. A “lodging house” is defined under the *Municipal Act* as “any house or other building or portion of it in which persons are lodged for hire, but does not include a hotel, hospital, long-term care home, home for the young or institution if it is licensed, approved or supervised under any other Act”.

In York Region, lodging houses are referred to as domiciliary hostels. Domiciliary hostels require a York Region Lodging House Licence or a Homes for Special Care Licence from the Ministry of Health and Long-Term Care in order to enter into a Domiciliary Hostel Agreement with the Region.

The current Regional Lodging Housing Bylaw was enacted in June 2005. Operators that are issued a lodging house license must be in compliance with zoning, health, safety, fire and insurance requirements at all times. The licensing system sets standards and provides for a measure of public accountability for these commercial operations.

In June 2014, 23 operators had Domiciliary Hostel Agreements in York Region. Of these, 18 operators were licenced under the York Region's Lodging Houses Bylaw and five by the Ministry of Health and Long-Term Care *Homes for Special Care Act*, for a total of 564 licensed beds. All of the 23 licenced homes have a separate York Region funding agreement for approximately 400 subsidized beds.

### **Domiciliary hostels are a vital component of a healthy housing system**

For many of the residents, domiciliary hostels are permanent homes and offer a good and cost effective community housing alternative to institutional care. In York Region, they are privately owned, maintained and operated for the care of individuals who require supervision of their daily living activities (i.e., cooking, shopping, personal hygiene, financial management and medical care). The residents have special needs which may include mental health, developmental and/or physical disabilities, or frail elderly. Without domiciliary hostels, it is likely that many of these residents would be homeless or at constant risk of homelessness.

### **Provincial changes prompted review of the Lodging House Bylaw**

In July 2012, the Ministry of Municipal Affairs and Housing (MMAH) introduced the Community Homelessness Prevention Initiative (CHPI), as part of the Province's Long-Term Affordable Housing Strategy. CHPI consolidated funding for emergency shelters, the Consolidated Homelessness Prevention Program, Rent Bank, Emergency Energy Fund, and Domiciliary Hostels as well as partial funding from the former Social Assistance Community Start-up and Maintenance Benefit, into a single homelessness funding agreement for Municipal Service Managers effective January 1, 2013.

This resulted in a shift of programs from the Ministry of Community and Social Services to the MMAH. The change in funding streams between provincial ministries meant that new agreements between the Region and domiciliary hostel operators had to be completed in 2013. While preparing the agreements, it became apparent that an operational refresh and a new Lodging Houses Bylaw were needed to update roles, responsibilities and reporting structures and to provide increased efficiencies to the licencing and compliance process.

#### **4. ANALYSIS AND OPTIONS**

##### **The new Lodging Houses Bylaw streamlines the licensing application and appeal process, and ensures timely decision-making**

Under the existing bylaw, the Commissioner of Community and Health Services administers the provisions of the bylaw, issues licenses and renewals and ensures enforcement. The Licensing Committee holds hearings for any license refusals, suspensions or cancellations and makes recommendations to Council. Council is responsible for final decision-making under this bylaw. To date there has never been a licensing hearing.

The new bylaw proposes changes that ensure an equally rigorous but less cumbersome, more responsive and timely decision-making process. It also streamlines administration for both the Region and operators. Key changes include:

- The license period will change from one to two years, to enhance contract management and system efficiencies. A two-year licensing term will streamline the application process and reduce the potential of a gap in licensing. Annual inspections will still be conducted.
- The annual licensing fee of \$175.00 and associated administrative work will no longer be required. A license application and renewal fee of \$400.00 will be required every two years.
- The creation of a new Licensing Committee, consisting of the Medical Officer of Health, Commissioner of Community and Health Services and Regional Solicitor, or their delegates. The proposed Committee will provide applicants/licenseses an opportunity to appeal a decision made by the General Manager of Social Services and remove the requirement for Council to hear appeals. All Licensing Committee decisions will be final.
- The authority of the Commissioner of Community and Health Services is transferred to the General Manager of Social Services to administer the provisions of the bylaw, enforcement, issue licenses, renewals and refusals.

##### **Domiciliary Hostel Operators took part in discussions on how to manage health and safety risks more effectively, and streamline processes**

York Region fosters positive working relationships with Domiciliary Hostel Operators. Discussions focus on continuously improving how vulnerable residents are served.

In August 2014, York Region staff conducted focus groups with 14 of the 18 York Region licensed Domiciliary Hostel Operators.

Feedback received indicated that was clear that Operators are supportive of the proposed changes including a new Licensing Committee structure, appeal process, and an extended licensing term. There was no objection to an increase in the application fee. Overall, the feedback and advice from Operators was very positive and supported moving to a more responsive and timely decision making process.

### **The new bylaw aligns with other jurisdictional approaches**

A municipal scan of similar Lodging Houses Bylaws was conducted in July 2014. The research identified that other municipalities, including the Cities of Hamilton, Ottawa and Windsor have licencing fees that are higher or comparable to those proposed in York Region's new Bylaw.

Larger municipalities such as the Cities of Toronto, Brampton, Mississauga and Hamilton have incorporated tribunal-based appeal models where complaints are reviewed independently of Council and issues are resolved to ensure that services are timely and decisions are made that are fair and transparent.

### **Link to key Council-approved plans**

This report contributes to supporting the 2011-2015 Strategic Plan objectives to *support healthy communities through a broad range of housing choices and supports to meet the diverse needs of residents.*

The report also supports actions in Vision 2051 to *provide human services through an integrated network and address the core basic needs of residents in our community.*

This report supports Goal 4 of the 10-Year Housing Plan, Housing Solutions: A Place for Everyone to *strengthen the homelessness and housing stability system by helping low and moderate income and at risk households find and keep appropriate housing.*

## **5. FINANCIAL IMPLICATIONS**

York Region's Homelessness Community Programs operates under an annual gross budget of \$15.3 million (2014 approved budget). The Ministry of Municipal Affairs and Housing provides up to \$10.2 million in funding to York Region under the Consolidated Homelessness Prevention Initiative. The Domiciliary Hostel Program is 27%, or \$4.1 million of the total 2014 Homelessness Community Program gross budget.

The two-year license application fee of \$400 per operator will be used to offset program and administrative costs and will replace the revenues previously received for the licensing fees.

## **6. LOCAL MUNICIPAL IMPACT**

The new Lodging Houses Bylaw will impose no new requirements on local municipalities. The bylaw retains the current requirements for lodging house operators to obtain compliance letters from local building and fire officials, and requires the local municipality to provide a letter indicating the lodging house does not contravene local bylaws, thereby impacting on the local municipal budget if these services are not offset by local fees.

## **7. CONCLUSION**

The Region has jurisdiction to license lodging houses in York Region. This report proposes a revised Lodging Houses Bylaw that enables the Region to continue to provide for the issuance of licences for lodging houses, more clearly delineate roles and responsibilities, and streamlines licensing processes and contract management.

In support of the Province's Long-Term Affordable Housing Strategy, the new Lodging Houses Bylaw will continue to provide housing with supports and stability for the Region's most vulnerable residents. A new, streamlined and more efficient bylaw will help the Region move forward to meet the outcomes of the Community Homelessness Prevention Initiative to support people at risk of homelessness remain housed.

For more information on this report, please contact Cordelia Abankwa, General Manager, Social Services at Extension 72150.

The Senior Management Group has reviewed this report.

*Attachment (1)*

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. •

BYLAW NO. •

A bylaw to provide for the issuance of licences  
for lodging houses

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the “*Municipal Act*”) provides that an upper tier municipality may pass bylaws respecting matters including the health, safety and well-being of persons, and the protection of persons and property, including consumer protection;

AND WHEREAS Section 11 of the *Municipal Act* further provides that an upper tier municipality may pass bylaws respecting business licensing and lodging houses;

AND WHEREAS Section 151 of the *Municipal Act* provides that without limiting Sections 9, 10, and 11 of the *Municipal Act*, a municipality may provide for a system of licences with respect to a business and may license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS Section 436 of the *Municipal Act* provides that a municipality has the power to pass bylaws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a bylaw of the municipality is being complied with;

AND WHEREAS Section 444 of the *Municipal Act* provides that that municipality may make an order to discontinue an activity found to be in contravention of a bylaw of the municipality;

AND WHEREAS the Council of The Regional Municipality of York considers it desirable and necessary to license, regulate, and govern lodging houses;

NOW THEREFORE the Council of The Regional Municipality of York hereby enacts as follows:

**1. DEFINITIONS**

1.1 In this bylaw:

- a) “**appellant**” means an applicant or licensee who has requested an appeal of a decision of the General Manager in compliance with Section 8.7 d);
- b) “**applicable law**” means any federal, provincial, municipal or local laws, statutes, regulations and bylaws in respect of or governing the matters in this bylaw;

- c) “**applicant**” means the person making an application for a licence or renewal of a licence under this bylaw;
- d) “**authority having jurisdiction**” means the ministry, organization, office or individual responsible for ensuring compliance with applicable law, and includes the Chief Building Officer, the Fire Chief, the Local Clerk, and the Medical Officer of Health;
- e) “**Chief Building Officer**” means the person in the position of Chief Building Officer or equivalent thereto and his or her delegate of the local municipality in which the lodging house is located, who is a chief building official as defined under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;
- f) “**Commissioner**” means the Commissioner of Community and Health Services of The Regional Municipality of York, or his or her delegate;
- g) “**Council**” means the Council of The Regional Municipality of York;
- h) “**Officer**” means any person appointed by the Council of The Regional Municipality of York as a Municipal Bylaw Enforcement Officer;
- i) “**Fire Chief**” means the person in the position of Fire Chief or equivalent thereto and his or her delegate of the local municipality in which the lodging house is located, who is a fire chief as defined under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended;
- j) “**General Manager**” means the General Manager of Social Services of The Regional Municipality of York, or his or her delegate;
- k) “**licence**” means a licence issued under this bylaw and includes, unless the context otherwise requires, a provisional licence;
- l) “**licensee**” means any person licensed pursuant to this bylaw to operate a lodging house;
- m) “**Licence Committee**” means the tribunal comprised of the Commissioner of Community and Health Services, the Medical Officer of Health and the Regional Solicitor;
- n) “**Local Clerk**” means the person in the position of Clerk and his or her delegate of the local municipality in which the lodging house is located;
- o) “**local municipality**” means any lower-tier municipality as defined in the *Municipal Act* that forms part of the Regional Municipality of York;
- p) “**lodging house**” means any house or other building or portion of it in which four (4) or more persons are lodged for hire, but does not include a hotel, hospital, long

term care home, home for the young or institution if it is licensed, approved or supervised under an Act, other than the *Municipal Act*;

- q) “**Medical Officer of Health**” means the person in the position of Medical Officer of Health of The Regional Municipality of York, or his or her delegate;
- r) “**Ontario Building Code**” means Regulation 403/97, as amended, (Building Code), made under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;
- s) “**Ontario Fire Code**” means Regulation 388/97, as amended, (Fire Code), made under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended;
- t) “**provisional licence**” means a provisional licence issued under this bylaw;
- u) “**Region**” means The Regional Municipality of York;
- v) “**Regional Clerk**” means the Regional Clerk of The Regional Municipality of York, or his or her delegate;
- w) “**Regional Solicitor**” means the Regional Solicitor of The Regional Municipality of York, or his or her delegate; and
- x) “**Statutory Powers Procedure Act**” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.

## **2. INTERPRETATION**

- 2.1 Schedules “A” and “B” shall form part of this bylaw.
- 2.2 Where the time for doing any act or taking any proceeding expires on a Saturday, Sunday or a statutory or public holiday, the act or proceeding may be done on the next business day.
- 2.1 If any clause, paragraph, section, or article or part thereof of this bylaw be declared by any court of law to be bad, illegal or ultra vires, such clause, paragraph, section or article or part thereof shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- 2.2 A reference to a clause, paragraph, section or article shall refer to the applicable clause, paragraph, section or article in this bylaw unless otherwise stated.
- 2.3 Where any person is authorized to take any action pursuant to this bylaw, such action may be taken by that person’s authorized designate.

## **3. DELEGATION OF POWERS TO LICENCE COMMITTEE**

- 3.1 The powers and authority to conduct appeal hearings under this bylaw are hereby delegated to the Licence Committee.

**4. POWERS OF GENERAL MANAGER**

4.1 The General Manager is authorized to administer the provisions of this bylaw on behalf of the Region, including enforcement, together with such Officers as may be necessary.

**5. INSPECTION POWERS**

5.1 The General Manager or Officer is authorized to enter, at any reasonable time, the premises in respect of which a licence has been issued for the purposes of carrying out an inspection to determine whether or not the following are being complied with:

- a) this bylaw;
- b) a direction or order made under this bylaw;
- c) a condition of a licence issued under this bylaw; or
- d) an order made under Section 431 of the *Municipal Act*.

5.2 For the purposes of an inspection the General Manager or Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to the inspection; and
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

5.3 No person shall obstruct, hinder or otherwise interfere with any inspections conducted pursuant to this bylaw.

**6. LICENCE REQUIRED**

6.1 No person shall operate a lodging house unless the person is licensed under this bylaw.

6.2 Where a licence is issued subject to any condition, no person shall operate a lodging house except in accordance with the condition.

6.3 No person shall operate a lodging house in violation of this bylaw or any applicable law.

## **7. APPLICATIONS FOR ISSUANCE OF LICENCE**

### Applications for Licence:

7.1 The following two (2) types of licence applications may be made:

- a) an original licence, and
- b) the renewal of a licence.

7.2 In respect of an application for an original licence:

- a) the application shall be completed on the forms provided by the General Manager and shall include the following information:
  - i) the proposed name and the municipal address of the lodging house;
  - ii) the name, address and telephone number of the applicant, and the manager, if the applicant does not reside on the premises or is not actively in charge;
  - iii) where the lodging house is to be operated by a corporation, the names and addresses of its shareholders, officers and directors;
  - iv) where the lodging house is to be operated by a partnership or a proprietorship, the names and addresses of its partners or proprietor, respectively;
  - v) the name, address and telephone number of the registered owner of the property upon which the lodging house is situated;
  - vi) the proposed number of residents to be lodged and the number of sleeping rooms available for residents;
  - vii) the names of staff members; and
  - viii) a declaration of the applicant confirming the accuracy of the application and the authenticity of any documentation provided with the application.
- b) the application shall be accompanied by the following documentation:
  - i) evidence that the lodging house has general liability insurance coverage of not less than \$5,000,000 per occurrence on the Region's standard certificate of insurance form or other certificate of insurance form acceptable to the Region's Insurance and Risk Manager;
  - ii) if a corporation, its incorporation documents, and annual return under the *Corporations Information Act*, R.S.O. 1990, c. C. 39, and business name registration documents, if applicable;

- iii) if a partnership or proprietorship, its registration documents;
  - iv) Canadian Police Vulnerable Sector Clearance Certificates for all staff that will have direct contact with residents; and
  - v) a floor plan of the premises, including dimensions and the proposed use of each room.
- c) the applicant shall pay, by certified cheque or money order, the non-refundable prescribed fee as set out in Schedule “A” to this bylaw.

7.3 In respect of an application for a renewal of a licence:

- a) the application shall include the information set out in paragraph a) of Section 7.2.
- b) the application shall be completed on the forms provided by the General Manager and shall be accompanied by the documentation set out in clause i) of paragraph b) of Section 7.2, and if any documentation referred to in clauses ii) through v) inclusive of paragraph b) of Section 7.2 has changed, furnish such updated documentation, save and except that even if the staff having direct contact with residents has not changed, the applicant shall obtain a Canadian Police Vulnerable Sector Screening Certificate after every three (3) years of such person’s employment with the applicant.
- c) the applicant shall pay, by certified cheque or money order, the non-refundable prescribed fee as set out in Schedule “A” to this bylaw.
- d) the application shall be made no later than ninety (90) days before the date on which the licence will expire.

7.4 The General Manager shall, upon receipt of an application referred to in either Section 7.2 or Section 7.3, make or cause to be made all inspections to determine whether issuing the licence applied for would be in compliance with applicable law. In this regard but without limiting the generality of the foregoing, the General Manager shall with every application and at such other times as the General Manager may request:

- a) a letter from the Chief Building Officer stating the premises are in compliance with the applicable provisions of the Ontario Building Code, and that any on-site sewage system will accommodate the number of residents set out in the application for a licence;
- b) a letter from the Fire Chief stating that, upon due inquiry, there are no outstanding work orders or deficiencies against the premises with respect to the provisions of the Ontario Fire Code;
- c) a letter from the local municipality stating that the premises are zoned to permit the operation of the lodging house and that its operation will not contravene any bylaw of the local municipality; and

- d) a letter from the Medical Officer of Health stating that, following an inspection of the lodging house, in his or her opinion, there is no reason, from a public health perspective, that a licence should not be issued to the applicant.

Issuance of Licence:

- 7.5 The General Manager shall issue a licence where all of the following conditions have been met:
- a) the applicant has complied with the requirements set out in Section 7.2 or Section 7.3, as the case may be;
  - b) the approvals of the authorities having jurisdiction set out in Section 7.4 have been obtained;
  - c) the inspections do not indicate non-compliance with any applicable law; and
  - d) the General Manager determines that there are no grounds as described in Sections 8.2, 8.3 and 8.4 for the Region to refuse to issue a licence.

Provisional Licence:

- 7.6 Despite Section 18.1, where the applicant requires additional time to satisfy the terms or conditions required by an authority having jurisdiction as a condition of granting its approval, the General Manager may issue a provisional licence provided that the authority having jurisdiction consents in writing to the issue of a provisional licence subject to such terms or conditions being fulfilled by the applicant prior to the issue of a licence.
- 7.7 Where a provisional licence is issued under Section 7.6, the provisional licence shall set out:
- a) the period of time for which it is valid;
  - b) the provisions of any applicable law which the lodging house contravenes; and
  - c) a statement that the applicant is required to bring the lodging house into compliance with the applicable law within the period of time set out in clause a) herein.
- 7.8 Where a provisional licence is issued, the General Manager shall cause an inspection to be made of the lodging house by an authority having jurisdiction to ensure compliance with this bylaw, and if it has been brought into compliance, the General Manager may issue a licence.

**8. REFUSAL TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE**

- 8.1 The powers and authority to refuse to issue or renew a licence, to cancel, revoke or suspend a licence, or to impose terms and conditions on a licence, are hereby delegated to the General Manager.
- 8.2 The General Manager may determine that there are grounds for the Region to refuse to issue or renew a licence, to cancel, revoke or suspend a licence, or to impose terms and conditions on a licence, where:
- a) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, its officers, directors or employees, or where the applicant is a partnership or proprietorship, its partners or proprietor, respectively or employees, affords reasonable grounds for belief that the applicant will not operate the lodging house in accordance with applicable law, proper management, or with honesty and integrity;
  - b) there are outstanding complaints with respect to the lodging house or objections to the application have been received by the General Manager, which complaints or objections are not considered by the General Manager as being frivolous or vexatious; or
  - c) where to do so is in the public interest.
- 8.3 In considering the issue of proper management under Section 8.2, the General Manager shall have regard to the following:
- a) maintenance of the lodging house in a safe, clean and sanitary condition;
  - b) any conduct on the part of the applicant that would endanger the health and safety of residents or members of the public; and
  - c) the applicant's practices and best efforts to prevent illegal drug and narcotic or prostitution related criminal activities or any other criminal activities by residents or visitors on the premises.
- 8.4 In considering the issue of honesty and integrity under Section 8.2, the General Manager shall have regard, among other matters, to the following:
- a) any convictions, orders, rulings or judgments made by any authority having jurisdiction against the applicant related to the operation of the lodging house; and
  - b) any false or misleading information provided by the applicant in the application.
- 8.5 Where the General Manager is of the opinion that:
- a) an application for a licence or renewal of a licence should be refused,

- b) a reinstatement should not be made,
- c) a licence should be revoked,
- d) a licence should be suspended, or
- e) a term or condition of a licence should be imposed,

the General Manager shall make that decision.

8.6 After a decision is made by the General Manager, written notice of that decision shall be given to the applicant or licensee advising that applicant or licensee of the General Manager's decision with respect to the application or licence.

8.7 The written notice to be given under Section 8.6, shall:

- a) set out the grounds for the decision;
- b) give reasonable particulars of the grounds;
- c) be signed by the General Manager; and
- d) state that the applicant or licensee is entitled to a hearing by the Licence Committee if the applicant or licensee delivers to the Regional Clerk, within fourteen (14) days after the notice under Section 8.6 is served, a notice in writing requesting a hearing by the licensee.

8.8 Where no appeal is registered within the required time period, the decision of the General Manager shall be final.

8.9 Where an appeal is registered within the required time period the Regional Clerk shall give written notice to the appellant that a hearing before the Licence Committee will be scheduled to review the decision of the General Manager that is the subject of the appeal such notice to include a statement:

- a) as to the time, date and place of the hearing, which shall be at least fourteen (14) days from the date that the appellant registered its appeal;
- b) that the hearing will be a public hearing unless otherwise decided by the Licence Committee under Section 10.5; and
- c) that, if the appellant does not attend the hearing, the Licence Committee may proceed in the absence of the appellant and the appellant will not be entitled to any further notice of the proceeding.

**9. REVOCATION OR SUSPENSION OF LICENCE**

9.1 Where the General Manager is of the opinion that the licensee has contravened a provision of this bylaw, the General Manager may give written notice to the licensee setting out the licensee's contravention. The notice shall require the licensee to take remedial action to remedy the contravention within twenty (20) days or such shorter period in the General Manager's sole discretion, or, where the contravention is not capable of being rectified within such period, take such diligent steps within such period, in the opinion of the General Manager, to remedy the contravention. The notice may, but need not specify the remedial steps that the Region requires of the licensee to rectify the contravention.

**10. HEARING**

10.1 The Licence Committee shall hold the hearing at the time, on the date and at the place set out in the notice by the Regional Clerk to the appellant.

10.2 The appellant may be represented at the hearing by counsel, and the appellant or its counsel shall have the right to adduce evidence, submit argument in support of its appeal and cross-examine witnesses adverse in interest.

10.3 The Region shall be represented at the hearing by the General Manager and/or staff who are entitled to adduce evidence and submit arguments in reply to evidence and argument on behalf of the appellant.

10.4 At the hearing, the onus shall be upon the appellant to show cause why,

- a) the licence should be issued, or
- b) the licence should not be suspended or revoked, or
- c) conditions should not be imposed on the licence.

10.5 All hearings shall be public hearings unless the appellant requests that the hearing be held in camera and the Licence Committee may approve the request by a simple majority in accordance with the *Statutory Powers Procedure Act*.

10.6 When the appellant who has been given written notice of the hearing does not attend at the appointed time and place, the Licence Committee may proceed with a hearing in the absence of the applicant or licensee and the applicant or licensee shall not be entitled to any further notice of the proceedings.

10.7 Where the matter before the Licence Committee concerns any grounds to refuse to issue a licence, in deciding whether to issue a licence, the Licence Committee shall take into account any record of previous contravention or conviction against the applicant under applicable law and any record and disposition of complaints against the applicant by:

- a) an authority having jurisdiction;

- b) residents of the lodging house or other residential dwellings owned by the applicant;
- c) persons residing in the vicinity of the lodging house; and
- d) any other person who has knowledge of the manner in which the applicant operated lodging houses or permitted them to be operated.

For greater certainty, the Licence Committee may consider the above-mentioned record of contraventions, convictions or complaints, as well as those factors set out in Sections 8.3 and 8.4, in deciding whether to revoke or suspend a licence.

- 10.8 At the conclusion of a hearing, the Licence Committee may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing, with reasons, within twenty-one (21) days of the hearing to the applicant or licensee and the General Manager.

## **11. LICENCE COMMITTEE DECISION FINAL**

- 11.1 In making its decision the Licence Committee may uphold or vary the decision of the General Manager, or make any decision that the General Manager was entitled to make in the first instance. The decision of the Licence Committee issued under this bylaw is final.

## **12. RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION**

- 12.1 When a licence has been revoked, deemed unrenewable, cancelled or suspended, the holder of the licence shall return the licence to the General Manager within twenty-four (24) hours of service of written notice of the decision of the General Manager or, where an appeal has been filed, the decision of the Licence Committee. The General Manager or Officer may enter upon the premises of the licensee for the purpose of receiving, taking, or removing the said licence.
- 12.2 When a person has had his or her licence revoked or suspended under this bylaw, he or she shall not refuse to deliver up or in any way obstruct or prevent the General Manager or Officer from obtaining the licence in accordance with Section 12.1.

## **13. ISSUANCE OF LICENCE**

- 13.1 If the provisions of this bylaw are complied with and the issuance of the licence has been approved, the General Manager may issue the licence and send it by ordinary mail to the applicant at the address shown on the application.
- 13.2 Every person obtaining a licence under this bylaw shall ensure that the licence is posted in a conspicuous place in the lodging house, so as to be visible to the public.

- 13.3 No person shall enjoy a vested right in the continuance of a licence and upon the issuance, suspension or revocation thereof, the value of a licence shall be the property of the Region.

**14. LICENCE PERIOD**

- 14.1 A licence issued under this bylaw, save and except for a provisional licence, shall be valid for two (2) years from its date of issue.
- 14.2 A provisional licence shall be valid for a period not exceeding four (4) months from its date of issue. An applicant may be issued consecutive provisional licences so long as the aggregate period of such provisional licences is not greater than twelve (12) months.

**15. TRANSFERS**

- 15.1 No licence may be transferred without the consent in writing of the General Manager.
- 15.2 A licence expires when a change in ownership of a lodging house occurs. A change in ownership includes:
- a) the conveyance of the ownership on the title to the property on which the lodging house is situated, or
  - b) any arrangement by which the beneficial ownership is transferred, or
  - c) where the ownership is held by a corporation, the transfer of the ownership of shares which results in a change in the control of the corporation, or
  - d) where the ownership is held by a partnership or proprietorship, a change in the partners or proprietors respectively, which results in a change in the voting control of the partnership or proprietorship.

**16. INSURANCE**

- 16.1 The licensee shall maintain in full force and effect any policy of insurance required under this bylaw for the period for which the licence is in effect.

**17. NOTIFICATION ON HAPPENING OF CERTAIN EVENTS**

- 17.1 Within ten (10) days of the happening of the following events, a licensee shall provide to the General Manager in writing:
- a) if any information or documentation set out in paragraphs a) or b) of Section 7.2 has changed, such updated information or documentation.

- b) prior to any construction, renovation, alteration or addition to the lodging house, the particulars of such work and evidence satisfactory to the Commissioner that all applicable permits and approvals to the work have been obtained by the licensee.

**18. COMPLIANCE WITH LAWS, ETC.**

- 18.1 The licensee shall comply with all applicable laws.
- 18.2 The licensee shall comply with the guidelines set out in Schedule “B” of this bylaw.
- 18.3 Where the licensee has entered into a domiciliary hostel agreement with the Region for fee subsidy of residents of the lodging house, the licensee shall comply with the provisions of such agreement.

**19. ORDER TO COMPLY**

- 19.1 Where a licensee contravenes any provision of this bylaw or its Schedules, the General Manager or Officer may:
  - a) serve a written notice on the licensee, advising of the contravention and directing compliance; or
  - b) direct in a written order that a thing or matter is required to be done.

**20. SERVICE OF NOTICES**

- 20.1 Subject to section 18 of the *Statutory Powers Procedure Act*, any notice or document required or permitted to be served by the General Manager on the applicant or licensee may be delivered personally to the applicant or licensee or sent by registered mail to the address shown on the application or last on file with the Region.
- 20.2 Where a notice or document is served by mail, it is deemed to have been received on the fifth day after the date of mailing.

**21. ENFORCEMENT**

- 21.1 Every person, other than a corporation, who contravenes any provision of this bylaw, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence, and on conviction is liable to a fine of not more than \$25,000.
- 21.2 Every corporation that contravenes any provision of this bylaw is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

**22. REPEAL**

22.1 Bylaw no. LI-0012-2005-061, as amended, is hereby repealed.

22.2 Despite the repeal of Bylaw no. LI-0012-2005-061, licences issued under that bylaw shall remain in effect until their expiry date.

**23. SHORT TITLE**

23.1 This bylaw may be referred to as the “Lodging Houses Bylaw”.

ENACTED AND PASSED September 11, 2014.

---

Regional Clerk

---

Regional Chair

**SCHEDULE “A”**

**Fees**

Column 1

Column 2

Application Fee - Lodging House licence

\$400.00

## **SCHEDULE “B”**

### **Licence Terms and Conditions**

The licensee shall comply with the following terms and conditions regarding the lodging house for which a licence has been issued under this bylaw:

#### **A. SAFETY AND SECURITY**

1. The licensee shall take all reasonable health and safety measures to prevent damage to the residents’ property or injury to persons. In this regard, the licensee shall conduct or cause to be conducted the following and upon request, provide documentary evidence of same to the Region:
  - a) heating equipment and chimney inspections not less than once per year;
  - b) pest control inspection not less than once per year;
  - c) roof inspection at five (5) year intervals; and
  - d) bed bug control inspection and documented strategy not less than once per year.
2. The licensee shall have a fire safety plan that conforms with the requirements of the Fire Chief and the Ontario Fire Code which shall include but not be limited to:
  - a) inspections of all fire extinguishers and standpipe equipment on a monthly basis;
  - b) fire drills conducted with the residents under staff supervision on a monthly basis.
  - c) a designated place of shelter in the event that the lodging house must be evacuated due to an emergency.
3. The licensee shall have a documented preventative maintenance plan for the lodging house regarding health and safety measures.
4. The licensee shall maintain the premises in a sanitary and hygienic condition, to the satisfaction of the Medical Officer of Health.

#### **B. PREMISES**

##### **PREMISES GENERALLY:**

5. Furniture or other physical property, and fixtures provided to residents for their use must be clean, of sufficient quantity to accommodate resident population and in good working order and repair.
6. Interior floors, carpeting, doors, and walls should be clean and in good repair.

7. Windows must be in good working order. Any window opening directly to the outside air must be equipped with a screen.
8. The exterior of the building, windows, stairs, porches, eave troughs, walkways, roadways, and gardens, should be clean and in good repair. The licensee shall ensure that parking areas, sidewalks, entrances, exits and roadways at the premises will be cleared of snow and ice to a standard of a reasonably prudent landlord to ensure safe site conditions.
9. The premises shall be ventilated by natural or mechanical means satisfactory to the Medical Officer of Health.
10. The licensee shall provide an adequate supply of hot running water which does not exceed a temperature of 48 degrees Celsius to residents at all times.
11. The licensee shall ensure that the premises, both interior and exterior, shall be illuminated in accordance with the illumination standards contained in the Ontario Building Code. Lighting fixtures and lamps shall be equipped with proper coverings.
12. Subject to applicable laws, the licensee shall:
  - a) provide handrails on at least one (1) side of any stairway and, where the width of the stairway requires, on both sides;
  - b) provide a structurally sound balustrade or guard rail in good repair on all open sides of a stairway, landing, raised porch or balcony, or roof to which access is provided;
  - c) provide stair treads covered with an acceptable non-skid and fire-retardant material; and
  - d) where the licensee accommodates residents who are wheelchair dependant, ensure that the premises are wheelchair accessible for such residents.
13. The licensee shall maintain the premises in a clean, safe and sanitary condition, and without limiting the generality of the foregoing shall, subject to applicable laws:
  - a) keep the building weather-proof and free from dampness;
  - b) maintain a temperature of no less than 21 degrees Celsius (69.8 degrees Fahrenheit);
  - c) keep all heating equipment in good repair;
  - d) ensure that no cooking or heating appliance of any kind other than those specifically designed for their intended use, and approved by the Canadian Standards Association, is installed or maintained in any room;

- e) remove from the premises all garbage, rubbish, and flammable material or other debris promptly;
  - f) ensure that garbage receptacles are fitted with tight-fitting lids; and
  - g) ensure that the premises are kept free of vermin, insects or other pests.
14. The licensee shall ensure that food service facilities on the premises comply with Regulation 562, as amended, (Food Premises) under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7, as amended.
15. The premises shall be smoke free.
16. The licensee shall admit residents only up to the licensed capacity of the lodging house save and except for emergency situations. The licensee shall use its best efforts to obtain the Commissioner's prior written consent to exceed the licensed capacity. Despite the previous sentence if the emergency is such that the Commissioner's immediate consent cannot be obtained, the licensee shall notify the Commissioner within forty-eight (48) hours of the occurrence of the emergency. Once the emergency has ended, the licensee shall take steps to ensure that the number of residents is reduced as quickly as is possible so that the licensed capacity is not exceeded.

BEDROOMS:

17. There shall be no more than four (4) residents per bedroom.
18. Each resident shall be furnished with a bed together with mattress, a chair, a dresser, a built-in closet or wardrobe, a waste basket, and a towel rack unless one is provided in the bathroom. Each resident shall be provided with an adequate supply of towels and bed linens, which will consist of, at a minimum,
- a) one set of towels including a bath towel and face cloth;
  - b) one set of bed linens including sheets and a pillowcase;
  - c) one pillow; and
  - d) two blankets, or alternatively, one blanket and one comforter.
19. Residents' beds must be placed so that no part of the bed is closer than seventy-six (76) centimetres (30 inches) to another bed.
20. The licensee shall permit each resident to place, at his or her own expense, a lock of a type approved by the operator, on at least one (1) drawer of the dresser or closet in the resident's room.
21. No room in the premises shall be used as a bedroom for residents unless:

- a) the room contains a window opening directly to the outside air which:
    - i) is not less than ten per cent (10%) in size of the total floor area of the room; and
    - ii) can be opened to the extent of not less than five percent (5%) of the total floor area of the room, and
  - b) the room is ventilated by mechanical means satisfactory to the Medical Officer of Health.
22. Bedroom windows shall be equipped with appropriate window coverings such as shades, blinds or curtains to ensure privacy.
23. Subject to the Ontario Fire Code, bedroom doors should be equipped with a lock that locks from the inside only. An access key should be retained by the licensee for emergency purposes for cleaning purposes.
24. Bedroom floors and walls should be in good repair.
25. The licensee shall not permit any resident to occupy for sleeping purposes:
  - a) any space in the premises that is used as a lobby, hallway, closet, common seating area, dining area, bathroom, stairway, cellar, furnace or utility room; or
  - b) any room having a floor space of less than 2.57 square metres (60 square feet) and less than 16.99 cubic metres of air space for each resident.

WASHROOMS:

26. The licensee shall provide not less than:
  - a) one (1) bathtub or shower for every twelve (12) residents;
  - b) one (1) sink for every six (6) residents;
  - c) one (1) toilet for every six (6) residents;
  - d) handrails and grab bars beside each toilet and bathtub; and
  - e) a non-skid mat in each bathtub.
27. Each washroom or shower room shall be provided with a door and a lock which is of a type that can be easily released from the outside in case of an emergency.
28. Washrooms and shower rooms shall be equipped with an adequate supply of common toiletries including toilet paper, liquid soap and hand towels or functioning electric hand dryer.

29. Washrooms shall be equipped with waste baskets of durable construction that can be easily cleaned and that can hold used disposable towels and waste materials.
30. The licensee shall post a weekly schedule regarding residents' laundry days and residents' bath schedules.

**COMMON SEATING AREAS:**

31. The licensee shall provide a common seating area for residents which can be used by residents on a twenty-four (24) hour basis. As well, the licensee should make this area available on request for special events. Depending upon the configuration of this area, its size, or the number of residents of the lodging house, where possible, the seating in this common area should be able to accommodate all of the residents at one time.
32. The licensee shall provide a minimum of one (1) television for residents' use in the common seating area. Depending upon the configuration of this area, its size, or the number of residents of the lodging house, where possible, the licensee shall endeavour to provide more than one (1) television in the common seating area.
33. The licensee shall provide a dining area suitable for eating. Depending upon the configuration of the dining area, its size, or the number of residents of the lodging house, where possible, the seating should be able to accommodate all of the residents in two sittings.
34. The licensee shall provide an outdoor seating area for residents which can be used during daylight hours.

**C. CRITICAL INCIDENT REPORT**

35. "Critical Incident" is defined as the occurrence of any of the following events at a lodging house:
  - a) a criminal offence;
  - b) physical assault;
  - c) sexual assault/abuse or allegation;
  - d) accidental and/or critical injury requiring '911' services;
  - e) death;
  - f) suicide attempt;
  - g) property fire or other emergency requiring '911' services;
  - h) disease outbreak;

- i) violence or serious threat of violence;
  - j) the need for medical assistance requiring '911' services;
  - k) complaint of operational, physical or safety standards by resident or any other person;
  - l) major property damage i.e. fire, flood;
  - m) a resident is at serious risk; or
  - n) a residents whereabouts are unknown for 24 hours or more.
36. "Critical Injury" is defined as the occurrence of an injury at a lodging house that:
- a) places life in danger;
  - b) produces unconsciousness;
  - c) results in a substantial loss of blood;
  - d) involves a fracture or amputation;
  - e) results in burns to a significant portion of the body; or
  - f) results in loss of sight in an eye.
37. Where a Critical Incident or Critical Injury has taken place, the licensee must:
- a) within twenty-four (24) hours of the incident – Advise the General Manager at the Region; and
  - b) within seventy-two (72) hours of the incident:
    - i) prepare a Critical Incident Report, using the forms provided by the General Manager, describing the events and details of the incident.
    - ii) forward a copy of the signed report to the General Manager at the Region.