

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 63

BY-LAW NO. LI-0012-2005-061

A by-law to provide for the issuance of licences
for lodging houses

WHEREAS section 165(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act*") authorizes The Regional Municipality of York to license, regulate and govern lodging houses;

AND WHEREAS a public meeting was held on April 13th, 2005, at which time interested members of the public were given the opportunity to make representations with respect to the licensing of lodging houses;

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

1. PURPOSES OF THIS BY-LAW

- 1.1 This by-law and the licensing powers authorized herein are for one or more of the following purposes:
- a) health and safety,
 - b) nuisance control, and
 - c) consumer protection.

2. DEFINITIONS

- 2.1 In this by-law:
- a) “**applicable law**” means any federal, provincial, municipal or local laws, statutes, regulations and by-laws in respect of or governing the matters in this by-law;
 - b) “**applicant**” means the person making an application for a licence or renewal of a licence under this by-law;

- c) **“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;
- d) **“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;
- e) **“Commissioner”** means the Commissioner of Community Services and Housing of The Regional Municipality of York;
- f) **“Council”** means the Council of The Regional Municipality of York;
- g) **“enforcement officer”** means any person appointed by the Council of The Regional Municipality of York as a Municipal By-law Enforcement Officer;
- h) **“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;
- i) **“licence”** means a licence issued under this by-law and includes, unless the context otherwise requires, a provisional licence;
- j) **“licensee”** means any person licensed pursuant to this by-law to operate a lodging house;
- k) **“Licence Committee”** means the Committee of Community Services and Housing of The Regional Municipality of York or such other committee as Council designates;
- l) **“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;
- m) **“local municipality”** means any lower-tier municipality as defined in the *Municipal Act* that forms part of the Regional Municipality of York;
- n) **“lodging house”** means a nursing home and 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, nursing home, home for the young or the aged or institution if it is licensed, approved or supervised under an Act, other than the *Municipal Act*;

- o) **“Medical Officer of Health”** means the person in the position of Medical Officer of Health or his or her delegate of The Regional Municipality of York;
- p) **“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;
- q) **“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;
- r) **“provisional licence”** means a provisional licence issued under this by-law;
- s) **“Region”** means The Regional Municipality of York;
- t) **“Regional Clerk”** means the Regional Clerk of The Regional Municipality of York; and
- u) **“Statutory Powers Procedure Act”** means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.

3. APPLICATION

- 3.1 This by-law shall apply to any lodging house located within the Regional Municipality of York.

4. INTERPRETATION

- 4.1 Schedules “A” and “B” shall form part of this by-law.
- 4.2 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.
- 4.3 If any clause, paragraph, section, or article or part thereof of this by-law 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.
- 4.4 A reference to a clause, paragraph, section or article shall refer to the applicable clause, paragraph, section or article in this by-law unless otherwise stated.
- 4.5 Where any person is authorized to take any action pursuant to this by-law, such action may be taken by that person’s authorized designate.

5. DELEGATION OF POWERS TO LICENCE COMMITTEE

- 5.1 Council delegates to the Licence Committee the responsibility to hold a hearing or give interested parties an opportunity to be heard in place of Council with respect to the consideration of the following licensing matters:
- a) the Commissioner's recommendation to the Licence Committee that the Region has grounds to refuse to issue the licence,
 - b) the Commissioner's recommendation to the Licence Committee that the Region has grounds to revoke or suspend the licence,
 - c) the imposition of special conditions on a licensee that have not been imposed on all other licensees in order to obtain, continue to hold or renew a licence, and
 - d) the imposition of conditions including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence,
- being licensing powers under clause 150(8)(b), (f) or (g) of the *Municipal Act*.
- 5.2 The Licence Committee shall provide its recommendations to Council after which Council may make the decision in accordance with the provisions of section 252 of the *Municipal Act*.
- 5.3 Council delegates to the Regional Clerk the responsibility of coordinating dates with the Commissioner for the holding of hearings by the Licence Committee pursuant to this by-law.

6. POWERS OF COMMISSIONER

- 6.1 The Commissioner is authorized to administer the provisions of this by-law on behalf of the Region, including enforcement, together with such other enforcement officers as may be necessary.

7. INSPECTION POWERS

- 7.1 The Commissioner is authorized to inspect, at any reasonable time, the premises in respect of which a licence has been issued, to ensure compliance with the provisions of this by-law, and may inspect any books, records or other documents relating to the lodging house.
- 7.2 No person shall obstruct, hinder or otherwise interfere with any inspections conducted pursuant to this by-law.
- 7.3 The signature of the applicant on the application shall be deemed to be permission for an authority having jurisdiction to enter the premises named on the application at any reasonable time in order to carry out necessary inspections.

8. LICENCE REQUIRED

- 8.1 No person shall operate a lodging house until he or she has procured a licence to do so.
- 8.2 Where a licence is issued subject to any condition, no person shall operate a lodging house except in accordance with the condition.
- 8.3 No person shall operate a lodging house in violation of this by-law or any applicable law.

9. APPLICATIONS FOR ISSUANCE OF LICENCE

Applications for Licence:

- 9.1 The following two (2) types of applications for the issuance of a licence may be made:
 - a) an original licence, and
 - b) the renewal of a licence.
- 9.2 In respect of an application for an original licence:
 - a) the application 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 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 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 by-law.

9.3 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 9.2.
- b) the application shall be accompanied by the documentation set out in clause i) of paragraph b) of section 9.2, and if any documentation referred to in clauses ii) through v) inclusive of paragraph b) of section 9.2 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 Clearance 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 by-law.
- d) the application shall be made no later than sixty (60) days before the date on which the licence will expire.

9.4 The Commissioner shall, upon receipt of an application referred to in either section 9.2 or section 9.3, 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 Commissioner shall request:

- a) a letter from the Chief Building Officer stating that, in his or her opinion, the premises are in compliance with the applicable provisions of the Ontario

Building Code, and that the 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 applicable provisions of the Ontario Fire Code;
- c) a letter from the Local Clerk stating that, in his or her opinion, the premises are zoned to permit the operation of the lodging house and its operation would not contravene any by-law 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:

- 9.5 The Commissioner 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 9.2 or section 9.3, as the case may be;
 - b) the approvals of the authorities having jurisdiction set out in section 9.4 have been obtained;
 - c) the inspections do not indicate non-compliance with any applicable law; and
 - d) the Commissioner determines that there are no grounds as described in sections 10.1, 10.2 and 10.3 for the Region to refuse to issue a licence.

Provisional Licence:

- 9.6 Despite section 19.1, 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 Commissioner 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.
- 9.7 Where a provisional licence is issued under section 9.6, 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.
- 9.8 Where a provisional licence is issued, the Commissioner shall cause an inspection to be made of the lodging house by an authority having jurisdiction to ensure compliance with this by-law, and if it has been brought into compliance, the Commissioner may issue a licence.

10. REFUSAL TO ISSUE LICENCE

- 10.1 For the purposes of section 9.5, the Commissioner may determine that there are grounds for the Region to refuse to issue 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 Commissioner, which complaints or objections are not considered by the Commissioner as being frivolous or vexatious.
- 10.2. In considering the issue of proper management under section 10.1, the Commissioner 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.
- 10.3 In considering the issue of honesty and integrity under section 10.1, the Commissioner 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.

- 10.4 Where the Commissioner determines that there are grounds for the Region to refuse to issue a licence, the Commissioner shall give written notice thereof to the applicant, such notice to include a statement,
- a) that a hearing before the Licence Committee will be scheduled to review the Commissioner's determination that there are grounds for the Region to refuse to issue a licence,
 - b) as to the time, date and place of the hearing, which shall be at least fourteen (14) days from the date the applicant received notice from the Commissioner,
 - c) setting out the facts upon which the Commissioner has determined that there are grounds for the Region to refuse to issue a licence,
 - d) that the hearing will be a public hearing unless otherwise decided by the Licence Committee under section 12.5, and
 - e) that, if the applicant does not attend the hearing, the Licence Committee may proceed in the absence of the applicant and the applicant will not be entitled to any further notice of the proceeding.

11. REVOCATION OR SUSPENSION OF LICENCE

- 11.1 Where the Commissioner is of the opinion that the licensee has contravened a provision of this by-law, the Commissioner 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 Commissioner'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 Commissioner, 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.
- 11.2 If the licensee fails to remedy a contravention of this by-law despite being given the opportunity to do so in accordance with section 11.1, the Commissioner shall give the licensee notice that a hearing will be scheduled before the Licence Committee to determine whether the Region has grounds to revoke or suspend the licence and to make a recommendation to Council therefor and the provisions of article 12 apply with necessary modifications.
- 11.3 Despite any other provision of this by-law, the Commissioner may report to the Licence Committee any breaches by the licensee of this by-law with a request to consider the status of the licensee and make recommendations to Council.

12. HEARING

- 12.1 The Licence Committee shall hold the hearing at the time, on the date and at the place set out in the notice by the Commissioner to the applicant or licensee.
- 12.2 The applicant or licensee may be represented at the hearing by counsel, and the applicant or licensee or its counsel shall have the right to adduce evidence, submit argument in support of its application and cross-examine witnesses adverse in interest.
- 12.3 The Region shall be represented at the hearing by the Commissioner, who is entitled to adduce evidence and submit arguments in reply to evidence and argument on behalf of the applicant or licensee.
- 12.4 At the hearing, the onus shall be upon the applicant or licensee 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.
- 12.5 All hearings shall be public hearings unless the applicant or licensee 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*.

13. COUNCIL DECISION

- 13.1 After holding a hearing, the Licence Committee shall provide its recommendation to Council whether to:
 - a) issue a licence, including issuing a licence subject to terms or conditions, or
 - b) suspend or revoke a licence,after which Council may make the decision.
- 13.2 Where the matter before the Licence Committee concerns any grounds to refuse to issue a licence referred to in section 10.1, in deciding whether to make a recommendation to Council 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 10.2 and 10.3, in deciding whether to make a recommendation to Council to revoke or suspend a licence.

- 13.3 The Commissioner shall provide written notice to the applicant or licensee of Council's decision.
- 13.4 If the decision rendered by Council under section 13.1 is to grant the applicant or licensee the licence applied for, the licence shall be issued.
- 13.5 If the decision rendered by Council under section 13.1 is to suspend or revoke the licence, the licensee shall within forty-eight (48) hours after receiving written notice, return the licence certificate to the Commissioner, failing which the Commissioner shall have access to the premises in respect of such licence for the purpose of receiving or taking the licence certificate.

14. ISSUANCE OF LICENCE

- 14.1 If the provisions of this by-law are complied with and the issuance of the licence has been approved, the Commissioner may issue the licence and send it by ordinary mail to the applicant at the address shown on the application.
- 14.2 Every person obtaining a licence under this by-law shall ensure that the licence is posted in a conspicuous place in the lodging house, so as to be visible to the public.
- 14.3 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.

15. LICENCE PERIOD

- 15.1 A licence issued under this by-law, save and except for a provisional licence, shall be valid for one (1) year from its date of issue, or where a provisional licence has been issued to a licensee, the licence for such licensee shall expire one (1) year from the date of issue of the provisional licence.
- 15.2 A provisional licence shall be valid for a period not exceeding four (4) months from its date of issue. An applicant may be issued more than one and/or consecutive provisional licences so long as the aggregate period of such provisional licences is not greater than twelve (12) months.

16. TRANSFERS

- 16.1. No licence may be transferred without the consent in writing of the Commissioner.
- 16.2. A licence expires when the ownership of a lodging house changes, and 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.

17. INSURANCE

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

18. NOTIFICATION ON HAPPENING OF CERTAIN EVENTS

- 18.1 Within ten (10) days of the happening of the following events, a licensee shall provide to the Commissioner in writing:
- a) if any information or documentation set out in paragraphs a) or b) of section 9.2 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.

19. COMPLIANCE WITH LAWS, ETC.

- 19.1 The licensee shall comply with all applicable laws.
- 19.2 The licensee shall comply with the guidelines set out in Schedule “B” of this by-law.
- 19.3 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.

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 Commissioner 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 by-law, 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 by-law is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

22. REPEAL

- 22.1 By-law no. LI-0009-2000-071, as amended, is hereby repealed.
- 22.2 Despite the repeal of By-law no. LI-0009-2000-071, licences issued under that by-law shall remain in effect until their expiry date.

23. SHORT TITLE

- 23.1 This by-law may be referred to as the “Lodging Houses By-law”.

ENACTED AND PASSED this 23rd day of June, 2005.

Denis Kelly
Regional Clerk

Bill Fisch
Regional Chair

SCHEDULE “A”

Fees

Column 1

Column 2

Lodging house licence*

\$175.00

*Note: Where a provisional licence has been issued there is no additional fee where licensee is issued a licence for the balance of the 12 month period.

SCHEDULE “B”

Guidelines to Lodging Houses By-law

The licensee shall comply with the following guidelines regarding the lodging house for which a licence has been issued under this by-law:

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; and
 - c) roof inspection at five (5) year intervals.
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 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, 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 minimum temperature of 21 degrees Celsius (69.8 degrees Fahrenheit) in the premises at all times;
 - 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 should be smoke free as far as practicable in accordance with applicable by-laws governing smoking.
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 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.
 - 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 or 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.
 - 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. SERIOUS INCIDENT REPORT

- 35. Where the licensee receives funding pursuant to a domiciliary hostel agreement with the Region for residents, the licensee shall comply with the provisions of that agreement respecting a serious incident involving a resident. Where the licensee does

not have a domiciliary hostel agreement in effect with the Region, the licensee shall file with the Region a report (the “Serious Incident Report”) in a form acceptable to the Commissioner, subject to guideline 36 below, to be completed and signed by the licensee’s staff member(s) responsible for the supervision of the resident involved in the serious incident, or staff member(s) having direct knowledge of the incident, within twenty-four (24) hours of learning about the incident, and in any event, not later than the next business day after learning of the incident. In cases where the licensee is also licensed under the *Homes for Special Care Act*, the licensee shall provide a copy of any report concerning a serious incident involving a resident funded under that *Act*. The Serious Incident Report must be filed for any serious incident involving a resident which may include but not be limited to the following:

- a) the resident’s death;
- b) the resident’s whereabouts are unknown for a period of twenty-four (24) hours or more;
- c) the police are called or the police investigate a complaint at the lodging house;
- d) there is a serious injury to the resident;
- e) the resident is at serious risk;
- f) a disaster at the lodging house occurs, eg. fire, flood, and the like;
- g) a resident has made a complaint against a staff member of the licensee involving allegations of abuse or mistreatment of any resident;
- h) there is a complaint concerning the operational, physical or safety standards of the lodging house that is considered by the licensee to be of a serious nature, including any report of adverse water quality;
- i) the misconduct of a resident which may involve drug or alcohol abuse.

36. Guideline 35 above, does not compel nor shall it be deemed to compel a licensee to disclose to the Region any personal information, as that term is defined under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, pertaining to residents of the lodging house.