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LODGING HOUSE LICENSING AND ENFORCEMENT ACTIVITIES 2009 COMPLIANCE MONITORING

The Community and Health Services Committee recommends the adoption of the recommendation contained in the following report dated February 24, 2010, from the Commissioner of Community and Health Services.

1. RECOMMENDATION

It is recommended that this report be received for information.

2. PURPOSE

This report provides Council with an update on Lodging Houses By-law and Domiciliary Hostel Agreement compliance monitoring activities in 2009.

3. BACKGROUND

The Domiciliary Hostel Program is a vital part of our Homelessness Prevention Strategy

Domiciliary Hostels provide long-term shelter to vulnerable, special needs adults requiring supervision of their daily living activities. Without access to hostel supports these residents would be more likely to become homeless.

Lodging houses have been licensed by York Region since February 1984. The licensing system sets standards and provides for a measure of public accountability for these privately owned homes.

On August 24, 2000, a new Lodging Houses By-law and procedures were approved by Council through the adoption of Clause No. 14 of Report No. 9 of the Health and Social Services Committee. On June 23, 2005, through the adoption of Clause No. 5 of Report No. 9 of the Community Services and Housing Committee, the current Lodging Houses By-law, No. LI-4-0012-2005-061 was approved by Council and included additional safety plan and inspection requirements.

In October 2006, York Region revised the Purchase of Service Domiciliary Hostel Agreements to reflect the new Ministry of Community and Social Services, Domiciliary Hostel Program Framework - Standards of Care.

Operators require a license in order to enter into a Purchase of Service Domiciliary Hostel Agreement with York Region

Domiciliary Hostels require a Regional Lodging House Licence or Homes for Special Care Licence from the Ministry of Health in order to enter into a Purchase of Service Domiciliary Hostel Agreement with the Region for per diem subsidy under the Region's Domiciliary Hostel Program.

In 2009, 19 Operators were licensed under the York Region Lodging Houses By-law and six were licensed under Provincial Homes for Special Care. Out of the 25 licensed homes, 24 held Domiciliary Hostel Purchase of Service Agreements with the Region. One of the York Region licensed operators does not currently have a Purchase of Service Agreement.

A lodging house is defined under the By-law

The definition of a lodging house under the By-law mirrors, for the most part, the definition in Section 11.1 of Bill 130, which amends the *Municipal Act, 2001*. Generally, the By-law applies to premises where four or more persons are housed, excluding a hotel, nursing home for the young or aged, or an institution, if it is licensed, approved or supervised under any other Act.

4. ANALYSIS AND OPTIONS

Lodging houses must pass inspections and be in compliance with by-laws and permits in order to be licensed under the By-law

The following outlines the general direction of the Lodging Houses By-law.

Application process

Applicants for a licence submit the requisite information concerning the operator, the operation, and the premises. Information submitted must include floor plans, compliance letters from Public Health, local municipalities' building and fire officials, as well as assurances from local municipal clerks that the lodging house business may be carried on legally within the municipality at the specified location.

Conditions of granting the licence

Every lodging house licence issued is subject to the condition that the By-law must be complied with at all times, the authorized capacity of the lodging house may not be exceeded, the lodging house complies with applicable zoning provisions, and any alterations, renovations and construction are carried out only after all requisite permits have been obtained.

Restrictions to a licence being issued

The Region reserves the right not to grant lodging house licences where the operation of the lodging house would contravene a Regional or local by-law, any provincial or other law or regulation. The Region further reserves the right not to issue a lodging house licence where the past conduct of the applicant affords reasonable grounds to believe that the applicant will not operate the lodging house in accordance with applicable law, proper management, or with honesty and integrity.

General operating requirements

The By-law sets out in detail operating standards with which the operator must comply, including record keeping, occupancy standards, health, safety and sanitary conditions.

The Region ensures compliance with the by-law through regular inspections of premises and records

The By-law preserves the Region's right to inspect the licensed premises at all reasonable times. The Region further reserves its right to inspect all books, records, documents and supplies related to the lodging house and its operation. Licensing visits are unannounced and are conducted at least once each year.

Table 1 provides details of licensing inspections conducted in 2009.

Table 1
Lodging Houses By-law
Licensing Inspections 2009

Details	Total
Lodging Houses By-law Inspections	19
Follow-Up Inspections	14
Total Lodging Houses By-law Inspections	33
Total Lodging House Licences Issued	19

Operators who are not in compliance with the By-law are required to gain compliance within 20 days. Follow-up inspections are conducted when the operator is not in compliance with the Lodging Houses By-law on the initial visit.

The Region conducts regular Domiciliary Hostel Agreement inspections to ensure compliance with standards of care

In 2009, 24 operators had Purchase of Service Domiciliary Hostel Agreements for per diem subsidy.

Table 2 provides detail of the compliance monitoring visits.

Table 2
Agreement Compliance Monitoring Visits 2009

Details	Total
Agreement Compliance Monitoring Visits	42
Drop-In Visits	16
Follow-Up Visits	13
Total Visits	71

Quality of Life Incentive Allowance

York Region provides 100% of the cost of the Quality of Life Incentive Allowance to enable operators of Domiciliary Hostels in the Region to provide recreation, instructional programs, as well as social and community activities designed to provide physical, emotional and social benefits to the residents. In 2009, 23 out of the 24 Domiciliary Hostels with whom we have Purchase of Services Agreements, participated in this program and received a total of \$169,857 to support 5,889 activities.

York Region's Licensing and Compliance staff support operators in the administration of this allowance and monitor compliance with the terms of the Quality of Life Incentive Allowance Agreement.

Table 3 provides detail of the Quality of Life Monitoring visits.

Table 3
Quality of Life Compliance Monitoring Visits 2009

Details	Total
Quality of Life Compliance Monitoring Visits	38
Drop-In Visits	16
Total Visits	54

5. FINANCIAL IMPLICATIONS

In 2009, Domiciliary Hostel gross expenditures totalled \$4,106,427

The total gross expenditure in 2009 to provide the Domiciliary Hostel Program, including resident per diem and Personal Needs Allowance, Quality of Life program costs, staffing, administration, and licensing costs, was \$4,106,427. The funding from the Province totalled \$2,809,362, licensing fees \$3,500 and the Region's share was \$1,293,565. The costs were within the 2009 regional budget approval. The lodging house licence fee is currently \$175.

6. LOCAL MUNICIPAL IMPACT

The Lodging Houses By-law includes the requirements for lodging house keepers to obtain compliance letters from Public Health, local building and fire officials, and requires the Clerk of the local municipality to provide a letter indicating the Clerk's opinion that the lodging house does not contravene local by-laws, thereby impacting on the local municipal budget if these services are not offset by local fees.

7. CONCLUSION

Persons relying on lodging house accommodations tend to be among the Region's more vulnerable citizens. The licensing and compliance monitoring system sets standards and provides for a measure of public accountability for these privately owned homes.

For more information on this report, contact David Rennie, General Manager, Social Services at Ext. 2013.

The Senior Management Group has reviewed this report.