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LODGING HOUSE LICENSING AND ENFORCEMENT ACTIVITY 2006 COMPLIANCE MONITORING

The Community Services and Housing Committee recommends the adoption of the recommendation contained in the following report, February 27, 2007, from the Commissioner of Community Services, Housing and Health Services:

1. RECOMMENDATION

It is recommended that:
1. This report be received for information.

2. PURPOSE

The purpose of this report is to provide Council with information concerning Lodging Houses By-law and Domiciliary Hostel Agreement compliance monitoring activities.

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 and housing 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.

In August 2000, a new Lodging Houses By-law and procedures were approved by Council. In June 2005, the current Lodging Houses By-law, No. LI-4-0012-2005-061, was approved by Council.

Additional requirements contained in the current By-law include:
- Heating equipment and chimney inspections.
- Roof inspections.
- A designated place of shelter in the event the lodging house must be evacuated.
- A preventative maintenance plan.

Domiciliary Hostels require a Regional Lodging House Licence or a 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.

3.1 Definition of a Lodging House 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 institution if it is licensed, approved or supervised under any other Act.

4. ANALYSIS AND OPTIONS

4.1 Licensing Under the By-law

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

4.1.2 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.

4.1.3 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 would be carried out only after all requisite permits have been obtained.

4.1.4 Issuance of Licences

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.

4.1.5 General Operating Requirements

The By-law sets out in considerable detail, operating standards with which the operator must comply, including:

- Securely maintaining personal records for each subsidized resident.
- Complying with local by-laws, zoning, health, fire and insurance requirements, and monthly fire extinguisher inspections.

- Meeting specified occupancy standards by keeping the home in a safe and sanitary condition, permitting no more than four residents per sleeping room, providing adequate furnishings, windows, ventilation, illumination, suitable common areas, dining areas conducive to social interaction, outdoor seating areas, bath, shower and toilet facilities, hot and cold running water.
- Ensuring the food preparation facilities meet the requirements of the *Health Protection & Promotion Act*.
- Requiring residents maintain satisfactory personal hygiene and interact socially with each other.

4.2 By-law Inspections

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 conducted at least once each year.

Table 1 provides details of licensing inspections conducted in 2006.

Table 1
Lodging Houses By-law, Licensing Inspections 2006

Details	Total
Lodging Houses By-law Inspections	20
Follow-Up Inspections	14
Total Lodging Houses By-law Inspections	**34**
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. Follow-up inspections were required for 70% of operators in 2006. This represents an increase of 27% over 2005. This increased incidence of follow-up visits is attributable to the requirement that operators comply with the new standards/requirements included in the current Lodging Houses By-Law.

4.3 Purchase of Service Domiciliary Hostel Agreements Compliance Monitoring Visits

In October 2006, York Region entered into revised Purchase of Service Domiciliary Hostel Agreements with providers of domiciliary hostel services.

The Ministry of Community and Social Services regulated additional standards of care which were incorporated into the Purchase of Service Agreement. Additional standards included:

- Staff qualifications.
- Resident files.
- Tenancy agreements.
- House rules.

In 2006, operators of 18 premises licensed under the Lodging Houses By-law and 8 operators of premises licensed by the Province as Homes for Special Care entered into Purchase of Service Domiciliary Hostel Agreements with the Region for per diem subsidy through the Region's Domiciliary Hostel Program.

Table 2 provides detail of the total Purchase of Service Agreement compliance monitoring visits for 2006.

Table 2
Agreement Compliance Monitoring Visits 2006

Details	Total
Agreement Compliance Monitoring Visits	43
Drop-In Visits	28
Follow-Up Visits	7
Total Visits	**78**

In 2006, at least one licensing visit, where applicable, two agreement compliance monitoring visits and one drop-in visit were conducted at each location which has a Purchase of Service Domiciliary Hostel Agreement with the Region.

5. FINANCIAL IMPLICATIONS

The total gross expenditure in 2006 to provide the Domiciliary Hostel Program, including resident per diem and Personal Needs Allowance (PNA), operator Quality of Life program costs, staffing, administration and licensing costs was $3,232,140. The funding from the Province and licensing fees totalled $2,342,783 and the Region's share was $889,357. The costs were within the 2006 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 area 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 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 Maria Smith, Manager, Child and Community Programs of the Family and Children's Services Branch in the Community Services and Housing Department.

The Senior Management Group has reviewed this report.