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NEW LODGING HOUSES BY-LAW

Pursuant to section 150(4) of the Municipal Act, the Regional Community Services and Housing Committee held a Public Meeting to inform the Public and receive comments in regard to the draft Lodging Houses By-law.

The Community Services and Housing Committee recommends the following:

- 1. The recommendations contained in the following report, March 22, 2005, from the Commissioner of Community Services and Housing be adopted.**

1. RECOMMENDATIONS

It is recommended that:

1. A public meeting be held, on April 13, 2005, respecting the draft Lodging Houses By-law, *Attachment 1* to this report.
2. Legal Services be authorized to prepare a new Lodging Houses By-law after hearing the views of interested persons at the public meeting.

2. PURPOSE

Pursuant to section 150(13) of the *Municipal Act*, the Region's current Lodging Houses By-law will expire five years after it comes into force or the day it is repealed, whichever first occurs. Accordingly, the Lodging Houses By-law will expire on August 31, 2005, unless earlier repealed. Section 150(4) of the *Municipal Act* requires that the Region hold a public meeting to consider a new Lodging Houses By-law.

The purpose of this report is to comply with the licensing requirements of the *Municipal Act, 2001* (the "Municipal Act") respecting the Region's Lodging Houses By-law. In York Region, this By-law also covers licensing of Domiciliary Hostels.

3. BACKGROUND

In August 2000, Regional Council approved the enactment of Lodging Houses By-law LI-0009-2000-071. In October 2002, Regional Council approved an amendment to the by-law to enable York Region to issue a license for a term of less than one year and to include terms and conditions. Operators issued a Lodging Houses License under this by-law must be in

compliance with the by-law at all times. This includes compliance with local by-laws, zoning, health, fire and insurance requirements.

Persons relying on lodging house accommodation tend to be the Region's more vulnerable citizens. The licensing regime serves, insofar as possible, to impose standards and provides for a measure of accountability for these private operations. Council's issuance of Lodging House Licenses is often inter-linked with the Region's Domiciliary Hostel Program. Domiciliary hostels require a Regional Lodging House License or a Homes for Special Care License from the Ministry of Health in order to qualify for subsidy under the Program.

The Region currently licenses 23 Lodging Homes with a total of 690 beds.

4. ANALYSIS AND OPTIONS

4.1 Authority to Licence Lodging Houses (Domiciliary Hostels)

Section 165(4) confers upon the Region the exclusive jurisdiction for licensing lodging houses in York Region. In addition, the Region's legal authority can also be found in the *Health Protection and Promotion Act* regarding health inspections, and under the *Ministry of Community and Social Services Act* regarding the funding of domiciliary hostel services.

Section 165(5) defines a "lodging house" to mean "a nursing home and any house or other building or portion of it in which 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 any other Act." This definition which came into force with the *Municipal Act* on January 1, 2003, closely mirrors the previous definition of lodging houses contained in the former governing legislation, the *Regional Municipality of York Act*.

Accordingly, certain types of homes are currently excluded from the Region's legislative jurisdiction for licensing purposes, including homes licensed under the *Nursing Homes Act*, homes for persons requiring residential or special care under the *Homes for Special Care Act*, or homes residential, specialized or group care as defined under the *Charitable Institutions Act*. Also excluded are homes under the *Homes for the Aged and Rest Homes Act* and those homes governed by the *Homes for Retarded Persons Act*.

The Region, therefore, has licensing jurisdiction over a limited class including domiciliary hostels where the residents may be subsidized by the Region pursuant to funding agreements between the Region and the Province.

4.2 New Lodging Houses By-Law

A draft of the proposed new Lodging Houses By-law is attached to this report (see *Attachment 1*). The primary differences contained in the proposed by-law from those contained in the current by-law relate to the delineation of the roles and responsibilities of the (i) Commissioner of Community Services and Housing in the general administration of

the by-law, (ii) the Licensing Committee, and (iii) Regional Council. The proposed by-law formalizes the procedure to hold a hearing if an applicant for a licence wishes to challenge the Commissioner's decision, made in the first instance, to refuse to issue a licence, to revoke or suspend an existing licence, to refuse to grant an application for a transfer of a license, or a decision to issue a provisional licence subject to terms and conditions.

The proposed by-law will entrench the Commissioner's right to report to the Licensing Committee any breaches by the operator of the by-law with a request for the Committee to consider the status of the operator and to make recommendations to Council.

In addition, the proposed by-law will consolidate various standards that the operators of lodging houses must meet in a schedule to the by-law, many of which standards are currently contained in the existing by-law.

Finally, the proposed by-law increases the application fee by \$25 for a Lodging House Licence from the current fee of \$150 to the proposed fee of \$175.

5. FINANCIAL IMPLICATIONS

Additional revenue from the increase to the application fee under the new Lodging Houses By-law will be used to address administrative costs.

6. LOCAL MUNICIPAL IMPACT

The new Lodging Houses By-law should impose no new requirements on local municipalities. The By-law retains the current requirements for lodging house keepers to obtain compliance letters from 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

The Region has exclusive legislative jurisdiction to license lodging houses in the Regional Municipality of York. The *Municipal Act* requires the Region to hold a public meeting prior to enacting a new Lodging Houses By-law.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the April 13, 2005 Committee meeting.)