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LODGING HOUSE LICENSING AND ENFORCEMENT ACTIVITIES 2010 COMPLIANCE MONITORING

The Community and Health Services Committee recommends the adoption of the recommendation contained in the following report dated February 16, 2011, from the Commissioner of Community and Health Services.

1. RECOMMENDATION

It is recommended that Council receive this report for information.

2. PURPOSE

This report provides Council with an update on Lodging Houses By-law (the By-law) and Domiciliary Hostel Agreement compliance monitoring activities in 2010.

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 likely be 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. 5 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 licence in order to enter into a Purchase of Service Domiciliary Hostel Agreement with York Region

Domiciliary hostels require a York Region Lodging House Licence or Homes for Special Care Licence from the Ministry of Health and Long-Term Care in order to enter into a Purchase of Service Domiciliary Hostel Agreement with the Region.

In 2010, 20 operators were licensed under the York Region Lodging Houses By-law and five were licensed under Provincial Homes for Special Care. Out of the 25 licensed homes, 24 held Domiciliary Hostel Purchase of Service Agreements with York Region, comprising approximately 400 beds and, on average, approximately 385 clients receiving subsidy per month.

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 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 the Public Health Department, 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 licenses where the operation of the lodging house would contravene a Regional or local by-law, or 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.

Licensed lodging houses with a Domiciliary Hostel Agreement must also pass inspection and be in compliance with Standards of Care under the Agreement

In 2010, 24 operators had Purchase of Service Domiciliary Hostel Agreements for per diem subsidy.

Every Domiciliary Hostel Agreement issued is subject to the condition that the Standards of Care must be complied with at all times. These include safety and security, tenancy agreements, tenant files, medical and pharmaceutical controls, hygiene, crises management and appropriate supervision.

The Region ensures compliance with the By-law and the Hostel Agreement through regular inspections

The By-law and Agreement reserves 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 by the Licensing and Compliance Officer who is responsible for licensing, hostel agreement, and quality of life compliance monitoring. As each inspection has different criteria and requires a substantial amount of time to conduct, visits are combined when possible, but are often done separately.

Table 1 provides details of licensing inspections conducted in 2010.

Table 1
York Region Lodging Houses By-law
Licensing Inspections 2010

Details	Total
Lodging Houses By-law Inspections	26
Follow-up Inspections	16
Total Lodging Houses By-law Inspections	42
Total Lodging House Licenses Issued	25

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.

Table 2 provides details of the compliance monitoring visits relating to the Domiciliary Hostel Agreement.

Table 2
Domiciliary Hostel Agreement
Compliance Monitoring Visits 2010

Details	Total
Agreement Compliance Monitoring Visits	42
Drop-In Visits	14
Follow-Up Visits	20
Total Visits	76

Quality of Life Incentive Allowance

York Region provides a Quality of Life Incentive Allowance to enable operators to provide recreation and instructional programs, as well as social and community activities. All of these additional supports are necessary to provide physical, emotional and social benefits to the residents and are 100% funded by York Region. In 2010, 23 out of the 24 domiciliary hostels with whom we have Purchase of Service Agreements received a total of \$169,629 to support 6,203 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 details of the Quality of Life compliance monitoring visits.

Table 3
Quality of Life
Compliance Monitoring Visits 2010

Details	Total
Quality of Life Compliance Monitoring Visits	22
Drop-in Visits	22
Total Visits	44

5. FINANCIAL IMPLICATIONS

In 2010, domiciliary hostel gross expenditures totaled \$4,501,678

The total gross expenditure in 2010 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 \$4,501,678. The funding from the

Province totaled \$3,023,098, licensing fees \$3,675 and the Region's share was \$1,474,905. The costs were within the 2010 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.

7. CONCLUSION

Persons relying on lodging house accommodations tend to be among the Region's more vulnerable citizens and are often afflicted with a psychiatric illness. 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, please contact David Rennie, General Manager, Social Services at Ext. 2013.

The Senior Management Group has reviewed this report.