

5

NEW LODGING HOUSES BY-LAW

The Community Services and Housing Committee recommends adoption of the recommendations contained in the following report, May 24, 2005, from the Commissioner of Community Services and Housing:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council authorize the enactment of a new Lodging Houses By-law, in the form contained in *Attachment 1* to this report.
2. By-law No. LI-0009-2000-071, as amended, be repealed, effective the date of enactment of this new By-law.
3. Regional Council confirm that no further notice of a public meeting be required.

2. PURPOSE

The purpose of this report is to have Regional Council enact a new Lodging Houses By-law in order to comply with the licensing requirements of the *Municipal Act, 2001* (the "*Municipal Act*"). In York Region, this By-law also covers licensing of domiciliary hostels.

3. BACKGROUND

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Act*, the Region's current Lodging Houses By-law will expire five years after it comes into force or the day it is repealed, whichever first occurs. Accordingly, the Lodging Houses By-law will expire on August 31, 2005, unless earlier repealed.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* required the Region to hold a public meeting to consider a new Lodging Houses By-law. The Region conducted a public meeting on April 13, 2005 and gave notice of that meeting when it gave notice of the public meeting of the Community Services and Housing Committee.

On April 18, 2005, the Director of Children's and Family Services together with other Regional staff met with lodging house operators in York Region to discuss the proposed new Lodging Houses By-law.

Further to these meetings, some revisions were made to the proposed By-law, a draft of which was previously appended to the April 13, 2005 report of the Commissioner of Community Services and Housing for Committee and Council's preliminary review.

4. ANALYSIS AND OPTIONS

4.1 Authority to Licence Lodging Houses (Domiciliary Hostels)

Section 165(4) of the Municipal Act 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

The proposed form of the 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 before the Licensing Committee if an applicant for a licence wishes to challenge the Commissioner's recommendation that the Region has grounds to refuse to issue a licence, to revoke or suspend an existing licence, or to issue a licence subject to terms and conditions.

Under the proposed By-law, the Licensing Committee will be comprised of the members of the Community Services and Housing Committee. The Licensing Committee is vested with the obligation after conducting a hearing to make a recommendation to Regional Council, which ultimately makes the decision as to revocation, suspension or imposition of conditions.

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 operators 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. To comply with the *Municipal Act* the Region must enact a new Lodging Houses By-law prior to the expiry of the existing By-law in August, 2005.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report)