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### **LODGING HOUSE LICENSING AND ENFORCEMENT ACTIVITY 2003 COMPLIANCE MONITORING**

**The Community Services and Housing Committee recommends the adoption of the recommendation contained in the following report, May 25, 2004, from the Commissioner of Community Services and Housing:**

#### **1. RECOMMENDATION**

It is recommended that:

1. Committee and Council receive this report for information.

#### **2. PURPOSE**

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

#### **3. BACKGROUND**

The Domiciliary Hostel Program is a vital part of our Homelessness Prevention Strategy. Persons relying on lodging house accommodation tend to be the Region's more vulnerable citizens. Without access to hostel and housing supports, residents accessing this important service would be more likely to become homeless.

Lodging Houses have been licensed by York Region since February 1984.

In August 2000, Regional Council approved a new Lodging House By-law and procedures, which was amended in December 2002 to provide the ability to issue provisional licences.

The licensing regime serves, insofar as possible, to impose standards and provides for a measure of public accountability for these private operations.

Council's issuance of lodging house licences is often inter-linked with the Region's Domiciliary Hostel Program. Domiciliary hostels require a Regional Lodging House Licence or a Homes for Special Care Licence from the Ministry of Health in order to qualify for subsidy under the Program through a Purchase of Service Agreement with the Region.

In 2003, there were 19 premises licensed under the Lodging House By-law. Licensing prerequisites contained in the By-law include:

- Compliance with local municipal regulations.

- Fire code and health inspections.
- Sanctions for failing to continue to meet requirements.
- Detailed operating standards governing the structure.
- Residents' rights.

### 3.1 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 2003.

**Table 1**  
Lodging House By-law, Licensing Inspections 2003

| Details                                               | Total     |
|-------------------------------------------------------|-----------|
| Lodging House By-law Inspections                      | 25        |
| Follow-up Inspections                                 | 7         |
| <b>Total Lodging House By-law Inspections</b>         | <b>32</b> |
| Total Lodging House Licences Issued                   | 24        |
| Total Licensed Bed Capacity of Lodging House Licenses | 634       |

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 House By-law on the initial visit. Follow-up inspections were required for 28% of operators in 2003. This lower incidence of follow-up visits compared to 2002, can be attributed to increased compliance to the By-law and York Region staff investment.

### 3.2 Compliance Monitoring of Purchase of Service Agreements

In 2003, new Purchase of Service Agreements were entered into between the Region and providers of domiciliary hostel services.

The inclusion of care standards in the Purchase of Service Agreements rather than the By-law ensures that these standards can be more easily monitored and enforced through contracts rather than through revocation of the licence.

In 2003, operators of 17 premises licensed under the Lodging House By-law and 9 operators of premises licensed by the Province solely as Homes for Special Care, entered into Purchase of Service Agreements with the Region.

Table 2 provides details on the total Purchase of Service Agreement compliance monitoring visits for 2003.

**Table 2**  
Agreement Compliance Monitoring 2003

| <b>Type of Visit</b>                                | <b>Total</b> |
|-----------------------------------------------------|--------------|
| Agreement Compliance Monitoring Visits              | 55           |
| Drop-in Visits                                      | 19           |
| Follow-up Visits                                    | 31           |
| <b>Total Agreement Compliance Monitoring Visits</b> | <b>105</b>   |

In 2003, at least one licensing visit, two agreement compliance monitoring visits and one drop-in visit were conducted at each home holding an agreement.

## **4. ANALYSIS AND OPTIONS**

### **4.1 Features of the Lodging House By-law**

The following outlines the general scheme of the Lodging House By-Law.

#### **4.1.1 Definition**

The definition of lodging house under the By-law mirrors for most part the definition in Paragraph 63 of Section 207 of the former *Municipal Act*. 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, that is licensed, approved or supervised under a general or special Act.

#### **4.1.2 Application Process**

Applicants submit prescribed information concerning the operator, the operation, and the premises. Information submitted must include floor plans, compliance letters from 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 conditions 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 operation of a lodging house would appear to be contrary to the public interest.

#### **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.

## **5. FINANCIAL IMPLICATIONS**

The total expenditure in 2003 to provide the Domiciliary Hostel Program, which Lodging House Licensing is part of, was \$2,629,400.00 including resident per diem, staffing and administration and licensing costs. The Provincial share was \$1,992,138.00 and the Regional share was \$637,261.00. The cost of this program is included in the approved 2004 Budget.

## **6. LOCAL MUNICIPAL IMPACT**

The Lodging House By-law includes the 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**

Persons relying on lodging house accommodations tend to be the Region's more vulnerable citizens. The licensing and compliance monitoring regime serves, insofar as possible, to impose standards and provides for a measure of public accountability for these private operations.

The Senior Management Group has reviewed this report.