

BY-LAW NO. 90-127

OF THE

CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW, PURSUANT TO THE PROVISIONS OF SECTION 208 OF THE MUNICIPAL ACT, R.S.O., 1980, C.302, AS AMENDED FOR THE LICENSING, REGULATING AND GOVERNING LODGING HOUSES AND THE KEEPERS OF LODGING HOUSES AND FOR REVOKING ANY SUCH LICENSE, IN THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

PART I: DEFINITIONS

1. In this By-law:

- (a) "Apartment Building" shall mean a building containing four or more dwelling units.
- (b) "Authorized Capacity" shall mean the number of persons permitted to occupy any lodging house as determined by the Medical Officer of Health and the standards contained in this schedule.
- (c) "Bathroom" shall mean a room containing a bath tub or shower, with or without a water closet and hand basin.
- (d) "By-law" shall mean a By-law of the Township.
- (e) "Care" means personal care, supervision, and assistance in the routines of daily life required due to the effects of age or disability of body or mind.
- (f) "Heat Producing Unit" shall mean a fuel fired or electrical resistance device which produces heat.
- (g) "Inspector" includes the Durham Regional Medical Officer of Health, a Public Health Inspector and/or a Public Health Nurse employed by the Region, a By-law enforcement officer, a building or fire inspector of the Township, an inspector from Ontario Hydro or Uxbridge Hydro and a Police Officer.
- (h) "Keeper" shall mean:
 - (i) any person licensed pursuant to the terms of this By-law to maintain a lodging house; and/or
 - (ii) any person who:
 - a) has responsibility for and control over the condition of premises or the activities carried on there or control over persons authorized to enter the premises and includes a person who

manages a lodging home including, without limiting the generality of collecting or receiving rentals, fees or any other compensation paid by or on behalf of the residents or potential residents of the lodging home, which rentals, fees or any other compensation are collected on account of the person or on behalf of an agent, trustee or any other person otherwise entitled to the said rentals, fees or compensation; and/or

- b) is a person who is a lessee or an occupant of a lodging house and who, pursuant to the terms of an oral or written lease or agreement, is authorized to manage, receive and/or collect any rentals, fees, or other compensation paid by or on behalf of residents or potential residents of a lodging house; and/or
- c) is the registered owner of a lodging house or a lessee of a property which is used as a lodging house notwithstanding that there may be more than one Keeper of the same premises or lodging house.
- (i) "Kitchen" shall mean a room or part of an establishment appropriate to cooking and preparing foods for human consumption.
- (j) "Lodging House" shall mean a nursing home, retirement home and any house or other building or portion thereof in which four or more persons are harbored, received, or lodged for hire, but does not include a hotel, motel, nursing homes for the young or aged, group home, correctional home, crisis residence or institution which is licensed, approved or supervised under any other general or special act, nor does it include an apartment building as defined in this By-law. "Lodging House" for the purposes of the By-law shall include a boarding or lodge house as defined in Zoning By-law No. 81-19, as amended, or replaced.
- (k) "Order" shall mean a direction issued by the appropriate authority having jurisdiction requiring compliance with this schedule and "Orders" has a corresponding meaning.

- (l) "Owner" includes the persons for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as an agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and shall include for the purpose of this schedule, all persons shown by the records in the Registry Office or the Land Titles Office to be the owner in fee simple of the said property.
- (m) "Resident" shall mean a person, other than a keeper, or an employee of a keeper, who resides in a lodging house.
- (n) "Standards" shall mean the standards set out in this schedule.
- (o) "Toilet Room" shall mean a room containing a water closet and a hand basin.
- (p) "Township" shall mean the Corporation of the Township of Uxbridge.

PART II: LICENSE REQUIREMENTS

2. No person shall, within the Township operate or be in the Keeper of a Lodging House as defined in Part I hereof without first obtaining a license therefore.
3. Every application for a Lodging House shall be submitted to the Issuer of Licenses and shall include the following:
 - (a) The zoning category of the premises in respect of which a license is sought.
 - (b) The name and telephone number of the manager if the applicant does not reside on the premises or is not actively in charge.
 - (c) The number of sleeping rooms available for residents.
 - (d) The maximum number of residents to be accommodated in rooms set out in (c) above.
 - (e) The number of bath tubs and/or showers, wash basins, water closets and sinks available for use by residents.

(f) The type of meals to be served, if any.

(g) The maximum seating capacity for meals.

4. Such application shall be accompanied by the following:

(a) A floor plan of the building, including dimensions and the proposed use of each room and such other information as may be required.

(b) A statement from the Chief Building Official that in his opinion the building complies with the Property Standards By-law, as amended, and the Ontario Building Code.

(c) A statement from the Chief Building Official that in his opinion the proposed use complies with the applicable zoning By-laws, as amended.

(d) A Certificate signed by the local inspector of Ontario Hydro or the Uxbridge Hydro Electric Commission that in his opinion the building complies with the Canadian Electrical Code and the Ontario Hydro Electrical Safety Code Supplement.

(e) A statement from the Chief Fire Official that in his opinion the building complies with the provisions of the Ontario Fire Code.

(f) Acknowledgment, in writing, for all appropriate Authorities having jurisdiction and their servants and agents, to enter the premises, during normal working hours, in order to conduct any inspections of the premises required or desirable under this schedule.

(g) A Site Plan of the property which shows among other matters all buildings, location of off-street parking for occupants, play areas, and fencing.

(h) The applicable fee as prescribed by this By-law.

5. Upon receipt of a completed application and application fee from the applicant and provided that the premises comply with all conditions contained in this By-law and provided that the appropriate authorities having jurisdiction have provided all statements required by Part II to the Issuer of Licences, the Issuer of Licences shall issue a Lodging House License to the applicant for the premises described in the application.

PART III: CONDITIONS OF LICENSE

6. Every license to establish or maintain and operate a lodging house shall be subject to the following conditions:
 - (a) That the authorized capacity of the Lodging House is not exceeded.
 - (b) That the applicable zoning By-law respecting the establishment or location of the house is complied with.
 - (c) That no construction, renovation, alteration or addition of a lodging house is carried out, except in compliance with this By-law and upon the issuance of all applicable permits.
 - (d) That the license shall be posted in a conspicuous place in the hallway or office of the premises licensed.
 - (e) That each license, unless revoked, shall be in force from the date of issuance until the 31st day of December next following.
 - (f) That the Township may revoke any license at any time on the recommendation of the Medical Officer of Health, or the Chief Building Official, or the Fire Chief, whereupon notice of same shall be given by the Clerk, by registered mail, to the Keeper at the address in respect of which the license was issued.
 - (g) That the license shall not be transferable.

PART IV: LODGING HOUSE STANDARDS

8. Buildings altered or occupied for the purpose of establishing, maintaining and operating a lodging house shall conform to the standards prescribed in the Ontario Building Code, the Ontario Fire Code, the Property Standards By-law and the regulations made pursuant to the Health Protection and Promotion Act, 1983, as amended, as well as any other applicable legislation as amended from time to time.
9. In addition to the provision of of Section 8 the following standards shall apply:
 - (a) No gas, oil, wood, kerosene, or coal heat producing units of any kind shall be installed in any room used for sleeping purposes and no person shall use, or permit to be used for sleeping purposes any room containing such an appliance.

- (b) The electrical wiring shall comply with the requirements of the Canadian Electrical Code and the Ontario Hydro Electrical Safety Code Supplement.
- (c) No person shall prepare or cook food for human consumption in any area other than a kitchen.
- (d) Each keeper shall maintain his premises and furnishings in good repair and in a clean, safe, sanitary condition at all times.

AUTHORIZED CAPACITY OF THE LODGING HOUSE

- 10. (a) No keeper of a lodging house shall harbour or lodge more than six (6) residents in a lodging house, exclusive of the proprietor and his family.
- (b) Every keeper of a lodging house shall provide a minimum of 13.9 square metres (150 square feet) of habitable floor space in the lodging house for each resident.

BEDROOM REQUIREMENTS

- 11. (a) Not more than four unrelated residents shall occupy any one bedroom;
- (b) Every bedroom shall be furnished with a bed, chair, closet, and chest of drawers for each resident occupying the bedroom;
- (c) No bed shall be closer than 91 centimetres (36 inches) to any other bed and bunk beds and cots shall not be permitted;
- (d) An adequate supply of clean linen and blankets shall be provided for each bed. Bed sheets shall be changed at least once a week, or with such greater frequency as may be necessary.

SITTING ROOM

- 12. An indoor sitting room shall be provided in addition to bedroom space and dining room space.

OUTDOOR SITTING AREA

- 13. An outdoor sitting area shall be provided. Such areas shall be clean, accessible and partially shaded and contain seating adequate to accommodate all residents.

WATER SUPPLY

14. There shall be at all times an adequate supply of portable water, hot and cold, which conforms in quality to the Drinking Water Objectives of The Ontario Ministry of the Environment, February 1978 edition, and the Guidelines for the Canadian Drinking Water Quality, 1978, as amended from time to time, as well as all other applicable legislation.

FOOD PREPARATION

15. Every kitchen in a lodging house which has an authorized capacity of 6 persons or less shall comply with the following standards;
 - (a) All floor surfaces and floor coverings shall be tight fitting, smooth and composed of nonabsorbent materials.
 - (b) All walls and ceilings shall be covered with material that is readily cleanable.
 - (c) A mechanical exhaust system, vented to the outside air shall be provided over all cooking equipment.
 - (d) A dishwasher or a three compartment sink shall be provided for dishwashing purposes.
 - (e) All refrigeration units shall be operable and capable of maintaining a temperature of 5 degrees Celsius (40 degrees Fahrenheit) at all times.
 - (f) All foods shall be stored on racks or shelves that are not less than 15 cm (5.875 inches) above the floor.

PARKING AREAS

16. Adequate off-street parking areas shall be provided on the property to accommodate all residents of the lodging house.

DINING ROOMS

17. Every lodging house in which meals are provided shall contain a dining room which shall be separate from other rooms in the house and shall contain at least 1.1 square metre (12 square feet) of floor space for each resident. Every dining room shall be capable of accommodating at one sitting all of the permitted residents of the house.

TOILET FACILITIES

18. (a) Sanitary facilities shall be provided in the following ratios:
- (i) For an authorized capacity of up to six (6) residents, one wash basin, one water closet and one bathtub or shower;
 - (b) One bathroom with a water closet and a hand basin shall be of a type that is suitable and accessible for use by persons confined to wheelchairs where such persons are to be admitted as residents.

REFUSE DISPOSAL

19. Rubbish and garbage shall be stored in receptacles which are:
- (i) insect and rodent proof;
 - (ii) water tight;
 - (iii) provided with a tight fitting cover; and
 - (iv) maintained in a clean condition.

HEATING

20. (1) A minimum of 21°C (70°F) shall be maintained at all times.
- (2) For the purposes of this section, temperature readings shall be measured at a distance of 91.44 cm (3') or more from the exterior walls and at a height of 60.96 cm (2') above the floor level.

SAFETY - GENERAL

21. (a) Structurally sound handrails shall be provided on at least one side of those stairways having a width less than 111.76 cm (44") and on two sides of those stairways greater than 44" in width.
- (b) Handrails shall be of proper height, not less than 76.2 cm (30") and not more than 106.68 cm (42") and have no obstruction on or above them which will break a hand-hold and should conform with the same applicable by-laws and appropriate building codes.

- (c) All open sides of a stairway, landing, raised porch or balcony, or a roof to which access is provided, shall be protected by a structurally sound balustrade or guard in good repair.
- (d) The least dimension of any opening in a balustrade guard should not be more than 10.16 cm (4"). The balustrade shall be installed and constructed in accordance with local By-laws and appropriate building codes.
- (e) Treads shall be covered with an acceptable non-slip material.
- (f) In those homes accommodating handicapped persons who are confined to wheelchairs, the requirements of the National Building Code of Canada shall be complied with.
- (g) A telephone must be provided which is accessible at all times to residents (for emergency use). A list of emergency telephone numbers must be posted at the telephone.

FIRE SAFETY

- 22. (a) All lodging houses shall be required to maintain fire safety stands as specified in Sections 24 and 25, Regulation 438, Homes For Special Care Act, as amended.
- (b) Each home shall be provided with an approved fire extinguisher on each floor.
- (c) Every operator shall ensure that the home is inspected on an annual basis by the local fire authority.

PERSONAL CARE

In those cases, where the keeper provides personal care to the residents, the following Sections 23 and 28 shall apply:

- 23. (a) Matters relating to services, rates, admission and discharge shall be handled through an individual written contract between the resident and the keeper.
- (b) A standard service contract written in simple language shall be provided by the keeper. This contract shall contain provisions respecting:

- (i) the services which the facility provides the resident;
- (ii) the rates for accommodation and services;
- (iii) admission and discharge requirements; and

the wording of the standard service contract is subject to the approval of the Medical Officer of Health.

24. Every keeper shall keep and maintain in the home the following written records for each resident:

(i) Personal Records

- (a) The full name of the resident.
- (b) The address of the last place of residence prior to admission to the home.
- (c) The date of admission to the lodging house.
- (d) The name, address and telephone number of the next of kin or, where there is no next of kin, of a close family or personal friend.
- (e) The social insurance number of the resident.
- (f) The Ontario Health card number.

(ii) Financial Records of Each Resident in the Lodging Home shall contain the following information:

- (a) The source of income of each resident.
- (b) The amount of all sums given to the resident by the keeper and the dates on which the monies were given.
- (c) Itemized receipts and invoices for each expenditure made on behalf of a resident or charged to his account by the keeper.
- (d) Itemized records of all monies received from or on behalf of the resident.

(iii) Medical Records

- (a) The examination and medical history, to be made and taken on admission to the home and at least annually thereafter, by a duly qualified medical practitioner.
 - (b) The name, address and telephone number of the resident's personal physician.
 - (c) All accidents and illnesses happening to or suffered by a resident, together with the treatment prescribed and administered.
 - (d) With respect to prescription drugs dispensed by Keeper.
 - (i) The name and address of the prescribing Doctor.
 - (ii) The times and dates when the drug was administered to the resident.
 - (e) All of the records in Section 24 are the property of each resident.
25. (a) In those instances where it is necessary for the residents to be provided with medications, control of storage and administration of medications shall be exercised.
- (b) Residents requiring minimal, short term bed care shall be provided access to local home care programs.
 - (c) If a resident's condition deteriorates, or if he requires continuing care, he shall be transferred to a more appropriate facility where his care needs can be made.
 - (d) All personnel working in the home shall be tuberculin tested and/or chest x-rayed at the commencement of employment and thereafter at least once every two years.

26. STAFFING

At least 1 adult staff member shall be on duty on a 24 hour basis. Extra staff may be required at the discretion of the Medical Officer of Health. No resident who is being provided with "care" shall be substituted as a staff member.

27. NUTRITION

- (a) Every keeper of a home shall provide for each resident of the home:
- (i) at least three meals per day which conform to the Canada Food Guide and are of sufficient quantity, variety, nutritional and caloric content for the maintenance of health; and
 - (ii) nourishing snacks without charge at mid-morning, mid-afternoon, and in the evening.
- (b) No keeper of a home shall permit more than 15 hours to elapse between the last meal served on any day and the first served on the following day.
- (c) The provisions of subsections (a) and (b) are of general application and shall be modified in accordance with the physician's written instructions in individual cases.

28. ACTIVITY PROGRAMS

Every keeper of a home shall:

- (a) make newspapers, magazines, books and playing cards available to the residents;
- (b) encourage in the residents an interest in crafts and activities and provide such supplies, materials, and equipment for use by the residents as may be necessary;
- (c) arrange for residents to participate in appropriate community recreation, activity, and training programs; and
- (d) refer residents to appropriate persons or agencies for such guidance, information and counselling as may be required.

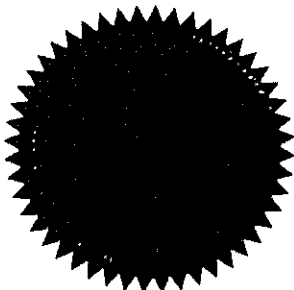
PART V: GENERAL - LICENSED PREMISES

29. No person shall use or occupy or being the owner of keeper thereof or his agent shall allow to be used or occupied any lodging house unless such lodging house conforms to the standards prescribed by this By-law and is licensed.

30. No person shall occupy or being the owner or keeper thereof or his agent permit anyone to occupy any lodging house in excess of its authorized capacity.
31. Every owner or keeper of a lodging house shall maintain such lodging house to the standards prescribed by this By-law.
32. (a) No keeper of a home shall prevent or attempt to prevent any resident from communicating with and/or complaining to an inspector with respect to conditions or treatment in the home or retaliate against any resident who has made or attempted to make such a communication or complaint.
(b) Every keeper shall make available all records pertaining to any resident(s) for inspection at all reasonable hours by the home physician, or the resident's personal physician, the resident's next of kin and any other person authorized by law to access such records and the keeper of a home shall not permit any records pertaining to a resident to be inspected by any other person except with the written authority of the resident or as otherwise provided by in this By-law or other applicable legislation.
(c) No keeper shall prevent, or obstruct any resident from privately communicating with any person.
(d) No keeper shall mistreat or permit the mistreatment of any resident.
(e) Notwithstanding anything contained in this By-law no keeper shall prevent or attempt to prevent any resident from being attended by a physician of the resident's choice.
33. An inspector may inspect at all reasonable times a home and all records required by this By-law to be maintained therein, and in case of emergency may make inspection at any time; and no keeper of a home shall obstruct or hinder the making of such inspection or cause or permit the same to be obstructed or hindered.
34. It is the duty of the Medical Officer of Health, Chief Building Official, Fire Chief, Clerk, Ontario Hydro or Uxbridge Hydro inspector and their servants and agents to enforce those provisions of this By-law which are within their respective jurisdiction and each of them is hereby authorized to serve such Notices and make and serve such Orders as may be necessary.

35. Where any conflict exists between this By-law and any other By-law, Act, or Regulation, the more restrictive provision shall apply.
36. (a) Every person who contravenes any provision of this By-law is guilty of an offence.
- (b) (i) Every person who is guilty of an offence under Section 2 of this By-law is liable on conviction to a fine of not more than \$5,000.00 for every day or part of a day on which the offence occurs or continues.
- (ii) Every corporation which is guilty of an offence under Section 2 of this By-law is liable on conviction to a fine of not more than \$25,000.00 for every day or part of a day on which the offence occurs or continues.
- (iii) Every person who is guilty of an offence under any other section of this By-law is liable on conviction to a fine of not less than \$150.00 and not greater than \$3,000.00 for every day or part of a day on which the offence occurs or continues.
37. The fees for licenses issued under this By-law shall be as follows:
- (a) for a lodging house with an authorized capacity of up to six persons - \$100.00.

This By-law given its First, Second, and Third Readings and finally passed on the 9th day of October, 1990.




Mayor


Clerk