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Bill 38

An Act to establish a framework for the licensing of supportive living accommodation

Mr. J. Burch

Private Member's Bill

1st Reading November 15, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill requires persons who operate a supportive living accommodation in specified circumstances to hold a licence issued by the Minister. It provides for a framework, to be supplemented by regulations, governing applications for and the issuance of licences, the obligations of persons who operate a supportive living accommodation under the authority of a licence, inspections and complaints.

An Act to establish a framework for the licensing of supportive living accommodation

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1 In this Act,

“assistance in daily activities” means assistance from others that may be required in the daily activities of an individual in order for the individual to live independently in their community, such as cleaning and maintaining a house, managing money, preparing or providing meals, shopping for groceries or other necessities, taking transportation, using the telephone or other forms of communication or taking prescription drugs; (“aide aux activités quotidiennes”)

“Minister” means the member of the Executive Council to whom administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

“regulations” means the regulations made under this Act; (“règlements”)

“supportive living accommodation” means a residential premises described in subsection 2 (1). (“logement supervisé”)

Licence required, supportive living accommodation

2 (1) Except under the authority of a licence issued by the Minister under this Act, no person shall operate a residential premises where four or more persons, who are not related to the operator, reside and receive assistance in daily activities from, or as arranged by, the operator.

(2) Subsection (1) does not apply to the operation of the following premises:

1. A children’s residence within the meaning of Part IX (Residential Licensing) of the *Child, Youth and Family Services Act, 2017*.
2. A home for special care licensed under the *Homes for Special Care Act*.
3. A long-term care home within the meaning of the *Fixing Long-Term Care Act, 2021*.
4. A private hospital within the meaning of the *Private Hospitals Act*.
5. A hospital within the meaning of the *Public Hospitals Act*.
6. A retirement home within the meaning of the *Retirement Homes Act, 2010*.
7. The premises on which a service agency within the meaning of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* provides residential services and supports within the meaning of subsection 4 (2) of that Act.
8. Any other premises prescribed by the regulations.

Offence

(3) Every person who contravenes subsection (1) is guilty of an offence and is liable upon conviction to a fine of not more than \$1,000 for each day on which the offence occurs or continues.

Transition

(4) Despite subsection (1), during the period beginning on the day this Act comes into force and ending three months after that day, a person may operate a supportive living accommodation without a licence.

Application for licence

3 A person may apply, in accordance with the regulations, for a licence or to renew a licence to operate a supportive living accommodation.

Licensing of supportive living accommodation

4 (1) The Minister shall issue or refuse to issue a licence to operate a supportive living accommodation and may renew or cancel the licence in accordance with the regulations.

Conditions

(2) The Minister may impose conditions on a licence at any time.

Licence specific to premises, operator

(3) A licence is specific to a particular residential premises and person named in the licence and cannot be transferred to another residential premises or person.

Operator's obligations

5 An operator of a supportive living accommodation shall,

- (a) comply with any conditions imposed on the operator's licence;
- (b) comply with the prescribed standards respecting the accommodation; and
- (c) post a copy of the operator's licence for the premises in a prominent place on the premises.

Inspectors

6 (1) The Minister may appoint inspectors who may perform inspections, in accordance with the regulations, for the purposes of determining compliance with this Act and the regulations.

Complaints

(2) The Minister shall establish a mechanism by which residents of a supportive living accommodation or members of the public may complain about alleged contraventions of this Act or the regulations.

Regulations

7 The Minister may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act and, without limiting the generality of the foregoing, may make regulations,

- (a) prescribing other premises to which subsection 2 (1) does not apply;
- (b) governing an application for a licence or renewal of a licence;
- (c) governing the issuance, renewal or cancellation of a licence by the Minister;
- (d) establishing a mechanism to review the Minister's decision to cancel a licence;
- (e) prescribing standards, for the purposes of clause 5 (b), for a supportive living accommodation with respect to its condition, equipment, facilities and services, including those for meal preparation or assistance with meal preparation;
- (f) governing the powers and duties of inspectors appointed under subsection 6 (1).

Commencement

8 This Act comes into force on the day it receives Royal Assent.

Short title

9 The short title of this Act is the *Protecting Vulnerable Persons in Supportive Living Accommodation Act, 2022*.