

**City of Port Colborne
Social Determinants of Health Advisory Committee**

Date: Thursday, September 7, 2023
Time: 1:00 pm
Location: Committee Room 3-City Hall
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

Pages

1. Call to Order	
1.1 Social Determinants of Health Advisory Committee	
Third of four quarterly meetings	
2. Adoption of the Agenda	
3. Disclosures of Interest	
4. Approval of Minutes	1
5. Business Arising	
5.1 Elect committee vice chair	
5.2 Review of Terms of Reference: voting and non-voting members	4
5.3 Status update of Draft Lodging By-Law	12
5.4 Update from Mayor on Hospital Services Working Group	
6. New Business	
6.1 Set goals/priorities for 2024-25	23
7. Community Updates	
7.1 Round-table discussion	
8. Action Items	

9. Next Meeting

9.1 Thursday, Nov. 2, 2023

10. Adjournment



Social Determinants of Health Advisory Committee

Minutes of meeting Thursday, June 1, 2023

Port Colborne City Hall committee room 3

Attendees

Co-Chair Lori Kleinsmith, Bridges CHC
Co-Chair Tim Hoyle, Councillor
Susan Therrien, Director of Library Services
Christine Clark-Lafleur, Port Cares
Vicki Doidge, Niagara Community Legal Clinic
Kaitlynn Kerridge, Niagara Region Public Health
Judy Cassan, Bridges CHC
Kim Simons, Anchors Away
Sherry Hanson, Manager Bylaw Services, City of Port Colborne
Phil Licskai, Niagara Regional Police
Scott Luey, Chief Administrative Officer
Mayor Bill Steele
Gail Todd

Regrets

Tara McKendrick, Canadian Mental Health Association
Aidan Johnson, Niagara Community Legal Clinic
Jeffrey Sinclair, Community Services, Niagara Region
Taralea McLean, Bridges CHC
Scott Lawson, Port Colborne Community Safety and Enforcement
Jay McKnight, Niagara Regional Police

Call to order

Co-Chair Lori Kleinsmith called the meeting to order at 1:05 pm.
Lori confirmed quorum. Voting and non-voting members to be clarified in updated Terms of Reference.

Approval of the agenda

Moved by C. Clark-Lafleur
Seconded by V. Doidge
That the agenda for the June 1, 2023 meeting of the Social Determinants of Health Advisory Committee be approved.
CARRIED

Approval of the April minutes

Moved by T. Hoyle

Seconded by S. Hanson

That the minutes for the April 6, 2023 meeting of the Social Determinants of Health Advisory Committee be approved.

CARRIED.

Business arising

S. Luey provided update on bylaw for businesses offering supportive living, which is unregulated limbo between nursing homes and retirement homes. Complaints received over the years from residents and relatives of residents. Municipalities want to regulate but are limited to building safety bylaws. Other agencies regulate public health (Region), law enforcement (NRP), and licencing (province). Niagara mayors discussed a bylaw to address, sent to CAOs and legal advisers. Our draft sent to Pelham to be vetted, shared, forwarded to Fort Erie for comment. S. Luey expects bylaw to be presented to council in August.

Draft bylaw includes licencing component, hotline component, and others.

CAO will distribute draft to members of the committee.

S. Hanson recommends letters from all agencies be included in package to support bylaw.

P. Licskai said NRP works with EMS, keeps records of elder abuse, fraud, criminal negligence; bylaw will be extremely helpful.

CAO said objective is voluntary compliance, always best, but fine structure may be doubled at each infraction, depending on contravention.

Terms of Reference presented by Clerk Charlotte Madden, Deputy Clerk Saima Tufail.
Membership of committee.

Eight (8) voting members including: one community representative with lived experience or a representative from a business or organization which supports individuals with lived experience;

one representative from Port Cares;

one representative from Community Living Port Colborne-Wainfleet;

one representative from Bridges Community Health Centre;

one representative from the Niagara Regional Police Service;

one representative from Public Health, Niagara Region;

one representative from Niagara Community Legal Clinic; and

one representative from Community Services, Niagara Region.

3.2 One non-voting member of Council will be appointed to the PCSDHAC. The Mayor is an ex-officio non-voting member of the PCSDHAC.

3.3 One non-voting member of staff who shall act as a resource person, recording secretary and shall provide administrative support to the PCSDHAC. Additional members of staff may be called on for specific subject matter expertise as a committee resource.

New business

Mayor Steele reported he recently established a working group of a cross-section of Port Colborne population (front line health care workers, business, labour, industry, seniors, etc.) to brainstorm best responses and suggestions for Niagara Health. Hospitals in Port Colborne and Fort Erie to be shuttered by 2028 when new hospital opens in Niagara Falls. Mayor wants to be proactive with working group to address lack of services and lack of primary health care in Port Colborne, Fort Erie and Wainfleet.

C. Clark-LeFleur said there is widespread medical manpower shortage.

S. Therrien offered “ambassador” service at Port Colborne Public Library – “everyone comes to the library for help, and information” – to all agencies to reach residents and-or clients.

Speaker series “Let’s Talk About ...” engages community with topical speakers. Next information session about safety, security, fraud, health and wellness during Seniors Month (June 29) includes reps from Port Cares, Bridges, NRP, Fire department, Bylaw. Mayor will attend.

Next meeting

Thursday, Sept. 7 at 1pm, in committee room 3, city hall, 66 Charlotte St., Port Colborne

Adjournment

Meeting adjourned 3:20pm

Committee: Port Colborne Social Determinants of Health Advisory Committee

Date Approved:

Date Revised: N/A

Approval: Council

Committee Resource: Executive Assistant to the Mayor and CAO

1. Purpose

The City of Port Colborne Social Determinants of Health Advisory Committee (PCSDHAC) is an Advisory Committee of Council established to offer advice and recommendations to Council with respect to community policies, plans and services relating to the health and quality of life for the citizens of Port Colborne.

2. Mandate

The PCSDHAC shall provide advice to Council on matters relating to the health and quality of life for the citizens of Port Colborne, including, but not limited to:

- 2.1 the development of healthy community policies that are associated with the collection, use and disclosure of health information data, available from the Hamilton Niagara Haldimand Brant Local Health Integration Network, Ministry of Health and Long-Term Care, and the Region of Niagara;
- 2.2 current by-laws and policies in place that affect the overall health and quality of life of the citizens of Port Colborne;
- 2.3 reports from other agencies in order to complement, enhance or promote other activities that improve the health and quality of life for the citizens of Port Colborne;
- 2.4 written agreements with other agencies and crown corporations including Niagara Regional Housing, and the Regional Poverty Reduction Network in order to maximize and improve community engagement and uptake of available solutions to improve overall health and quality of life in Port Colborne; and



2.5 priorities for Council to consider.

3. Membership Composition

The PCSDHAC shall consist of the following voting and non-voting members:

3.1 Seven (7) voting members including:

- one representative from the community at large with lived experience relating to matters addressed within the mandate, appointed by resolution of Council;
- one representative from Port Cares;
- one representative from Bridges Community Health Centre;
- one representative from the Niagara Regional Police Service;
- one representative from Canadian Association of Mental Health, Niagara Division;
- one representative from Niagara Community Legal Clinic; and
- one representative from Community Services, Niagara Region.

3.2 One non-voting member of Council will be appointed to the PCSDHAC. The Mayor is an ex-officio non-voting member of the PCSDHAC.

3.3 One non-voting member of staff who shall act as a resource person, recording secretary and shall provide administrative support to the PCSDHAC. Additional members of staff may be called on for specific subject matter expertise as a committee resource.

3.4 If any organization listed in subsection 3.1 is unable to supply a representative to serve on the PCSDHAC, that position shall be held in abeyance until a suitable appointment is made.

4. Membership Eligibility Criteria

To facilitate the nomination and appointment of new members to the PCSDHAC, the following criteria will be considered. The aim is to achieve a diverse committee with a combination of technical experts and community representatives.



PORT COLBORNE

- 4.1 The organizations listed in subsection 3.1 shall be responsible for soliciting interest for representation on the PCSDHAC.
- 4.2 Community Representative – Consideration shall be given to the individual's level of participation and knowledge of healthy community policies and services in the City of Port Colborne. The relevance of their interests to the mandate of the PCSDHAC will be an important consideration.
- 4.3 It is imperative that an applicant be able to attend as many PCSDHAC meetings as possible and undertake work outside of the regular quarterly meetings.

5. Membership Recruitment

- 5.1 Membership recruitment will be conducted in accordance with the City's Appointments to Boards and Committees Policy.
- 5.2 The community representative for the Committee shall be appointed by Resolution of Council.

6. Term

The Committee appointments shall follow a four-year term in order to maintain the staggered structure. Each member of PCSDHAC shall hold membership until his/her successor is appointed. In the case of a vacancy for any cause other than expiration of term, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.

7. Resignation

A voting member of PCSDHAC shall cease to be a member of PCSDHAC upon submission of a letter of resignation to the City Clerk or if he/she absents himself/herself from three successive scheduled meetings of the Committee without being authorized to do so by a resolution of the committee entered in its minutes.



PORT COLBORNE

8. Appointment of Chair and Vice-Chair

At the first meeting of the new term of the Committee, the members shall appoint, from among their number, a Chair and Vice-Chair. Members of Council are not eligible to act as Chair or Vice-Chair.

9. Role of the Chair

The role of the Chair is to:

- 9.1 Preside at the meetings of the Committee in accordance with the City's Procedural By-law and keep discussion on topic.
- 9.2 Provide leadership to the Committee to encourage that its activities remain focused on its mandate as an Advisory Committee of Council.
- 9.3 Review agenda items with the Staff Liaison.
- 9.4 Recognize each Member's contribution to the Committee's work.
- 9.5 Serve as an ex-officio member of subcommittees and attend subcommittee meetings when necessary.
- 9.6 Liaise with other Committee members.
- 9.7 Make deputations, presentations, etc. before Council.
- 9.8 Prepare a report with recommendations for Council in coordination with the Staff Liaison on the prescribed template.

10. Role of the Vice-Chair

In the absence of the Chair, the Vice-Chair will chair meetings and assume all functions of the Chair as necessary.

11. Role of Committee Members

The role of Committee Members is to:



- 11.1 Work collaboratively with City staff to develop an annual Work Plan and prepare annual progress reports. Work Plans will ensure workload is manageable and appropriately shared between Committee members and staff.
- 11.2 Ensure that the mandate of the Committee is being fulfilled.
- 11.3 Conduct research to help inform of programs, outreach campaigns, by-laws, etc.
- 11.4 Provide the Chair with solid information regarding agenda items.
- 11.5 Fairly represent the field of expertise, interest and involvement of the Committee.
- 11.6 Notify the Staff Liaison if unable to attend Committee meetings to ensure that quorum will be available for all meetings.

12. Meetings

- 12.1 All meetings shall be open, and no person shall be excluded therefrom except for improper conduct or for matters identified in section 239(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25.
- 12.2 All matters pertaining to a closed meeting must first be approved by the Clerk to ensure it is appropriately being dealt with in closed session.
- 12.3 The Committee shall hold a minimum of four (4) meetings in each calendar year. At the first regular meeting of the new term, a meeting schedule will be adopted by the Committee.
- 12.4 The Chair shall cause notice of the meetings, including the agenda for the meetings, in accordance with the City's Procedural By-law.
- 12.5 Meetings will be held on a set day and time as may be determined by the Committee or at the call of the Chair. The PCSDHAC will establish a meeting schedule, taking into account the business needs and the schedule of Council.



12.6 The location of the meetings will be set by the Committee at a City facility.

13. Minutes

The minutes of all Committee meetings shall be recorded and distributed to Committee members and to the City Clerk for safekeeping and inclusion on the regular Council agenda.

The minutes shall be open to inspection in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended and such minutes will be posted on the City's website.

14. Quorum

A quorum of PCSDHAC shall consist of a majority of sitting, voting members; vacant seats shall count as seats for the purpose of calculating a quorum.

If quorum for a meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Committee may proceed without a quorum, provided that at least three Members are present. The Clerk is not required to be present, and no motions will be passed or minutes prepared.

15. Conflict of Interest

It is the responsibility of each member to identify and disclose a pecuniary interest on any item or matter before Council, or Committee in accordance with the *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50.

Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Committee at which the matter is the subject of consideration, the Member will, in accordance with *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50 (5):

- file a written statement of the interest and its general nature with the Clerk prior to the meeting;
- not take part in the discussion of, or vote on any question with respect to the matter;
- not attempt in any way before, during and/or after the meeting to influence the vote on the matter.



PORT COLBORNE

Where a meeting is not open to the public, in addition to complying with the requirements under the *Municipal Conflict of Interest Act*, the Member will forthwith leave the meeting for the part during which the matter is under consideration.

The Clerk will record the particulars of any disclosure of pecuniary interest made by Members of Committees in the minutes of that meeting and update the Pecuniary Interest Registry. The Registry will be available for public inspection.

16. Procedures

Procedures for the proceedings of meetings shall be governed by the City's Procedural By-law, and Robert's Rules of Order.

17. Remuneration

All members of the Committee shall serve without remuneration.

18. Staff Liaison

City staff from key positions within the Corporation, plus technical staff as required from time to time, will provide support for the reviews and activities of the Committee. The Staff Liaison will provide administrative, procedural, and technical support to the Committee. The Staff Liaison will co-ordinate all requests for advice from the Committee, through meeting agendas.

19. Annual Workplan

An annual workplan with an estimate of the resources necessary for the coming year shall be prepared by the PCSDHAC.

20. Terms of Reference

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Port Colborne staff. Council may, at its discretion, change the Terms of Reference for this committee at any time. Any changes proposed to these Terms of Reference by the committee shall be recommended to Council via the City Clerk through a report. At the discretion or upon the mandate of the Committee being fulfilled, the Committee may be dissolved by resolution of Council.



PORT COLBORNE

21. Resources

- 21.1 Procedural By-Law
- 21.2 *Municipal Act*
- 21.3 Code of Conduct
- 21.4 Appointment to Boards/Committees Policy
- 21.5 *Conflict of Interest Act*
- 21.6 Robert's Rules of Order
- 21.7 *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*



The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to licence, regulate and govern Lodging Houses
in the City of Port Colborne.

Whereas section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas section 8 of the *Municipal Act, 2001* further provides that a by-law under section 11 of the statute may provide for a system of licences; and

Whereas section 9 of the *Municipal Act, 2001* states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act; and

Whereas section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property; and

Whereas section 151 of the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business or any activity, matter or thing for which a by-law may be passed under section 9 or 11 of the statute; and

Whereas section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality; and

Whereas section 425 of the *Municipal Act, 2001* authorizes a municipality to create offences for the contravention of its by-laws; and

Whereas section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws; and

Whereas section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction, order or condition of a licence; and

Whereas the Council of the Corporation of the City of Port Colborne deems it necessary and desirable to enact this By-law; and

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Purpose

- 1.1. The purpose of this By-law is to regulate Lodging Houses in the City of Port Colborne to protect the health and safety of Lodgers and to promote the well-being of the City and its inhabitants.

2. Definitions

- 2.1. In this By-law:

“Appeals Committee” means a committee duly appointed by Council to conduct appeal hearings under this By-law.

“Applicable Law” means all applicable by-laws of the City and Niagara Region and all applicable provincial and federal statutes, regulations and standards.

“Applicant” means a Person applying for a Licence under this By-law.

“Building Code” means Ontario Regulation 332/12 established under the *Building Code Act*.

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23.

“By-law” means this Lodging House Licensing By-law.

“City” means the City of Port Colborne.

“Clerk” means the Clerk of the City.

“Council” means the Council of the City.

“Enforcement Authority” means any by-law enforcement officer of the City, the Chief Building Official of the City or designate, the Fire Chief of the City or designate, any by-law enforcement officer of Niagara Region appointed or authorized by Council to enforce this By-law, any provincial offences officer, any member of the Niagara Regional Police Service or any member of the Ontario Provincial Police.

“Fees and Charges By-law” means City By-law No. 7047/84/22, as amended and updated from time to time.

“Fire Code” means Ontario Regulation 213/07 established under the *Fire Protection and Prevention Act*.

“Fire Protection and Prevention Act” means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4.

“Guardian” means the Person(s) appointed as the attorney for property, guardian of property, guardian of the person or attorney for personal care of a Lodger under the *Substitute Decisions Act, 1992*, S.O. 1992, c. 30.

“Health Protection and Promotion Act” means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7.

“Health Care Professional” means a Person who is a member of a College of a health profession as described in the *Regulated Health Professionals Act, 1991*, S.O. 1991, c. 18.

“Health and Support Worker” means a Person who is not a Health Care Professional and who provides assistance or services to a Lodger in order to support or improve the health and/or social condition of the Lodger.

“Licence” means a Licence issued in accordance with this By-law.

“Licensee” means a Person who holds a valid Licence under this By-law to operate a lodging house.

“Lodger” means a Person who makes periodic payments to a Licensee in return for the right to occupy a Private Room in a Lodging House and to access all common areas of the Lodging House.

“Lodging Agreement” means a written agreement between a Licensee and a Lodger in relation to accommodation in a Lodging House that sets out the duration of the accommodation, identifies the Private Room to be occupied by the Lodger, prescribes

Page 2 of 11

the terms and conditions of the accommodation and confirms payment details including the amount(s) payable by to the Lodger to the Licensee and the frequency and method of payment.

“Lodging House” means a building or any portion of a building in which Lodgers, in exchange for periodic payments to a Licensee, are provided with accommodation in Private Rooms and with access to common areas, and are not provided with Sanitary Facilities or food preparation facilities for the exclusive use of individual Lodgers, and in which Lodgers may or may not be provided with meals, but does not include a hotel, tourist establishment or short-term rental unit, a hospital or any provincially-regulated long-term care home, retirement home, nursing home, group home or similar facility.

“Niagara Region” means the Regional Municipality of Niagara.

“Order” means an order issued under this By-law.

“Owner” means a Person that is the registered owner of a Property where a Lodging House is situated.

“Person” means an individual, corporation, association or partnership.

“Private Room” means a self-contained room in a Lodging House that is used or intended to be used for residential accommodation by no more than two (2) Lodgers.

“Property” means any land or premises within the City.

“Residential Tenancies Act” means the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17.

“Sanitary Facility” means a self-contained room that contains not less than one (1) toilet, one (1) wash basin or sink and one (1) bathtub or shower.

“Trust Account” means an account established at a recognized financial institution by a Licensee or an internal holding system utilized by a Licensee, such as a cash box or safe, where any funds held by the Licensee on behalf of Lodger(s) are kept.

3. General Prohibitions

- 3.1. No Person shall operate a Lodging House except in accordance with the provisions of this By-law and all Applicable Law.
- 3.2. No Person shall operate a Lodging House without holding a current and valid Licence issued in accordance with this By-law.
- 3.3. No Person shall operate a Lodging House without a Licence or for which a Licence has expired, been revoked or is under suspension.
- 3.4. No Person licensed to operate a Lodging House under this By-law shall advertise, operate or carry on such business under any name other than the name endorsed upon the Licence.
- 3.5. No Person shall contravene or fail to comply with a term or condition of a Licence issued in accordance with this By-law.
- 3.6. No Person shall fail to comply with an Order issued under this By-law.

4. Administration

- 4.1. This By-law shall be administered by the Clerk, who shall perform all administrative functions conferred upon the Clerk by this By-law and without limitation may:
 - (a) receive and process all applications for Licences and renewal of Licences under this By-law;

- (b) issue Licences in accordance with this By-law;
- (c) impose terms and/or conditions on Licences in accordance with this By-law;
- (d) refuse to issue or renew a Licence, revoke a Licence or suspend a Licence in accordance with this By-law; and
- (e) shall keep a Licence Register in which shall be recorded the full name and address of each Licensee, the address of the licensed Lodging House, the number and date of the issue of the licence, the amount of the licence fee paid therefore, the date of expiry of the licence, the type of licence issued and other particulars or remarks pertaining to the same which are useful or necessary.

5. Applications for New Licence and Renewal of a Licence

- 5.1. The requirement to obtain a Licence under this By-law is in addition to, and not in substitution for, any other requirement to obtain a licence or approval under any Applicable Law and obtaining a Licence under this By-law does not relieve or remove the Licensee's obligation to comply with all other Applicable Law.
- 5.2. Every Lodging House shall be individually licensed under this By-law.
- 5.3. Every application for a new Licence or a renewal of a Licence shall be submitted in accordance with this By-law and shall be accompanied by the full Licence fee as set out in the Fees and Charges By-law.
- 5.4. The Applicant for a new Licence or a renewal of a Licence shall be the Owner(s) of the Lodging House.
- 5.5. In the case of Lodging House owned by a partnership, one partner shall submit the application package on behalf of every other partner. In the case of a Lodging House owned by a corporation, an officer of the corporation shall submit the application package.
- 5.6. Every application for a new Licence shall be submitted to the Clerk in accordance with this By-law and shall include the following:
 - (a) a completed application in the form required by the City;
 - (b) the municipal address and legal description of the Lodging House;
 - (c) name and contact particulars for each Owner of the Lodging House including address, telephone number and email address;
 - (d) evidence of ownership of the Lodging House to the satisfaction of the Clerk;
 - (e) if a Lodging House is owned by a corporation:
 - i. a certified copy of the incorporating document(s);
 - ii. a certified copy of the most recent corporate filing with the Ministry of Government and Consumer Services listing all directors and officers and the head office address of the corporation;
 - iii. a resolution of the directors of the corporation authorizing the application for a Licence; and
 - iv. the name and contact particulars of every Person having responsibility for the operation of the Lodging House;
 - (f) proof of insurance for use as a Lodging House with liability limits of not less than two million dollars (\$2,000,000) for personal injury and property damage; and
 - (g) a sworn statement from each Owner or, for a Lodging House owned by a corporation, from each director and officer, certifying the accuracy,

truthfulness and completeness of the application.

- 5.7. Every Applicant for the renewal of a Licence shall submit a renewal application package to the Clerk and may do so by ordinary mail without the necessity of attending at the office of the Clerk.
- 5.8. Notwithstanding subsection 5.7, the Clerk may require the Applicant for the renewal of a Licence to include in the application anything that is required under subsection 5.6 where, in the opinion of the Clerk, the renewal application is substantially different than the original application.
- 5.9. Every Applicant for a new Licence or the renewal of a Licence shall, within four (4) business days of any change to information submitted to the City in support of the application, notify the Clerk in writing of such change and provide full written disclosure to the Clerk of all relevant information existing after such change.
- 5.10. An application for the renewal of a Licence shall be filed at least sixty (60) days prior to a current Licence expiring. Where a Licensee fails to submit an application to renew a Licence at least sixty (60) days prior to its expiration, the application to renew the Licence shall be processed as a new application under subsection 5.6.

6. Review of Application

- 6.1. Upon receipt of a complete application, the Clerk shall circulate it to the Planning Department, Building Department and Fire Department of the City and to the Medical Officer of Health for Niagara Region for any comments or objections. The Clerk shall further determine if all necessary inspections or approvals have been completed and if all lawful requirements have been met.
- 6.2. Where the Clerk receives one or more objections to an application or determines that any necessary inspection, approval or other lawful requirement has not been completed, the Clerk shall return the application to the Applicant to undertake any action necessary to address the objection(s) and/or outstanding requirement(s).

7. Issuance of Licence

- 7.1. Upon completion of the process set out in subsections 6.1 and 6.2, the Clerk shall issue or renew a Licence to any Applicant that meets the requirements of this By-law.
- 7.2. Notwithstanding subsection 7.1, the Clerk may impose such terms or conditions on a Licence as the Clerk considers appropriate. A Licensee who is dissatisfied with any such term or condition may appeal to the Appeals Committee in accordance with this By-law.
- 7.3. All Licences issued or renewed pursuant to this By-law shall be valid for a period of two (2) years from the date of issuance or renewal, as the case may be, unless otherwise suspended or revoked.
- 7.4. Licences issued or renewed under this By-law are not transferable to any Person or Lodging House other than those shown on the Licence. Subject to subsection 7.5, an otherwise valid Licence shall expire automatically upon a change in ownership of the Lodging House.
- 7.5. Every Licensee shall notify the Clerk in writing of any pending change in ownership of a Lodging House or control of a corporation that owns a Lodging House at least thirty (30) days prior to such change taking effect. The prospective Owner(s) or controlling shareholder(s) shall submit an application for a new Licence that will be processed by the Clerk in accordance with this By-law.
- 7.6. It is a condition of every Licence issued or renewed under this By-law that the Licensee shall comply with the provisions of this By-law, all Applicable Law and

any other terms or conditions imposed on the Licence and shall ensure such compliance by any other Person(s) involved in the operation of the Lodging House.

8. Refusal, Suspension or Revocation of a Licence

- 8.1. The Clerk may refuse to issue a new Licence or renew a Licence where:
- (a) the Applicant has been convicted of an offence under this By-law or any other by-law relating to licences within the previous five (5) years;
 - (b) a Licence issued to the Applicant or the Lodging House under this By-law was suspended or revoked within the previous two (2) years;
 - (c) the Applicant owes any fine or fee to the City in relation to the Lodging House;
 - (d) the Clerk reasonably believes that an application or document submitted by the Applicant contains false information; or
 - (e) the Clerk reasonably believes that issuing the Licence may pose a threat to the health and safety of persons or property or is otherwise not in the public interest.
- 8.2. The Clerk may suspend or revoke a Licence at any time where:
- (a) the Licence was issued or renewed in error;
 - (b) the Clerk becomes aware of any fact or facts which, if known at the time of the application, would have resulted in the Clerk refusing to issue or renew the Licence;
 - (c) the Licensee fails to comply with this By-law, all Applicable Law or any terms or conditions of the Licence, including those set out in subsection 7.6 and section 10 of this By-law; or
 - (d) the Licensee contravenes the provisions of this By-law.

9. Notice and Appeal

- 9.1. Where the Clerk refuses to issue or renew a Licence, imposes terms or conditions on a Licence, suspends a Licence or revokes a Licence, the Clerk shall provide written notice to the Applicant or Licensee of the decision, the reasons for the decision and the right to appeal.
- 9.2. An Applicant or Licensee whose Licence has been refused, suspended or revoked or who objects to any terms or conditions imposed on the Licence may, within ten (10) days of being notified of the decision, submit a written appeal to the Clerk for a hearing before the Appeals Committee for a review of the decision.
- 9.3. Where no application for an appeal hearing is submitted within the prescribed period, the decision of the Clerk shall be final.
- 9.4. The Appeals Committee may affirm, vary or reverse the decision of the Clerk and may direct the Clerk to issue, renew or reinstate a Licence, with or without conditions. The Appeals Committee shall provide written reasons for its decision, which shall be final.
- 9.5. Matters arising during the course of an appeal that are not provided for in this By-law shall be governed by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.

10. Licence Conditions and Requirements

- 10.1. The conditions set out in subsections 10.2 to 10.26 of this By-law are attached to every Licence issued under this By-law.

- 10.2. The Licensee shall provide a copy of this By-law to each Lodger.
- 10.3. The Licensee shall post the Licence issued for a Lodging House in a conspicuous location inside the Lodging House and shall ensure that it remains posted and legible throughout the currency of the Licence.
- 10.4. The Licensee shall enter into a Lodging Agreement with each Lodger.
- 10.5. The Licensee shall maintain a list of current Lodgers, which shall list their first and last names in alphabetical order and shall identify the date on which each Lodger began residing at the Lodging House.
- 10.6. The Licensee shall maintain a file for each Lodger that includes the following documents and information as applicable:
- (a) first and last name of the Lodger;
 - (b) date on which the Lodger began residing at the Lodging House;
 - (c) date on which the Lodger ceased residing at the Lodging House;
 - (d) a copy of the Lodging Agreement;
 - (e) name and contact particulars of one or more emergency contact persons identified by the Lodger;
 - (f) name and contact particulars of any Health and Support Worker or Health Care Professional providing services to the Lodger;
 - (g) where the Lodging House provides meals, a list of the Lodger's nutritional needs and preferences and any allergies;
 - (h) details of any of the following occurrences at the Lodging House that involve the Lodger:
 - i. death of the Lodger for any reason;
 - ii. assaults caused by or directed to the Lodger;
 - iii. injuries caused by or directed to the Lodger;
 - iv. harassment caused by or directed to the Lodger; and
 - v. vandalism, property damage or theft caused by or directed to the Lodger.
- 10.7. The Licensee shall ensure that the Lodging House is kept in a good state of repair that is free of hazards and fit for human habitation and shall further ensure that the condition of the Lodging House complies with all Applicable Law.
- 10.8. The Licensee shall ensure that all common areas and amenities of the Lodging House made available for use by Lodgers including but not limited to appliances, furnishings, laundry facilities, elevators, interior and exterior recreational areas, parking areas and garbage facilities are maintained in a clean and hazard-free condition.
- 10.9. Unless otherwise provided for in a Lodging Agreement, the Licensee shall not be responsible for the cleanliness of any Private Room.
- 10.10. Where a Lodging Agreement provides that a Licensee will provide one or more meals to a Lodger, the Licensee shall ensure the following:
- (a) if the Licensee is the sole provider of meals for the Lodger, that the Lodger is offered:
 - i. at least three (3) meals per day at reasonable and regular meal hours;
 - ii. a beverage between the morning and midday meals;
 - iii. a snack and a beverage between the midday and evening meals;

and

- iv. a snack and a beverage after the evening meal;
 - (b) that the Lodging House menus are consistent with the Canada Food Guide published by the Government of Canada;
 - (c) that an individualized menu is developed for Lodgers whose needs cannot be met through the Lodging House menu cycle;
 - (d) that the Lodger is informed of daily and weekly menu options with menus posted in one or more common areas of the Lodging House;
 - (e) that Lodgers are given sufficient time to eat at their own pace and accommodated if they are unable to eat during a regular meal period;
 - (f) that any Lodging House staff assisting the Lodger are aware of the Lodger's nutritional needs, preferences and any allergies; and
 - (g) that Lodging House staff monitor Lodgers during meal periods as required.
- 10.11. Where a Lodging House provides meals to ten (10) or more Lodgers, the Licensee shall ensure that all areas of the Lodging House where food is prepared, processed, packaged, stored or served comply with the *Health Protection and Promotion Act* and its regulations and all other Applicable Law.
- 10.12. The Licensee shall provide a common dining room or rooms in the Lodging House with a minimum aggregate floor area that meets or exceeds the minimum requirements for dining rooms prescribed by the Building Code.
- 10.13. The Licensee shall provide a common sitting room or rooms in the Lodging House with a minimum aggregate floor area that meets or exceeds the minimum requirements for sitting rooms prescribed by the Building Code.
- 10.14. The Licensee shall provide Sanitary Facilities that are not adjacent or open to any dining room, kitchen, food preparation or service area or food storage room.
- 10.15. The Licensee shall provide at least one (1) Sanitary Facility for every five (5) Lodgers and shall ensure that the number of Sanitary Facilities in the Lodging House meets or exceeds the minimum requirements prescribed by the Building Code.
- 10.16. The Licensee shall provide an adequate supply of clean towels and customary toilet supplies for each Lodger and shall ensure that such items are provided without extra charge.
- 10.17. Every Private Room shall have a minimum area of not less than seven (7) square metres for a single occupancy and a minimum area of not less than four point six (4.6) square metres per person for a double occupancy but in no case shall the minimum area be less than the minimum requirements for sleeping room sizes prescribed by the Building Code.
- 10.18. The Licensee shall ensure that every Private Room in the Lodging House meets the following requirements:
- (a) every window and exterior door that is capable of being opened and that is accessible from outside the Private Room shall be equipped so that it can be secured from the inside;
 - (b) all doors to the Private Room shall be capable of being secured;
 - (c) at least one door to the Private Room shall be capable of being locked by the Lodger from outside the Private Room; and
 - (d) the Lodger(s) occupying the Private Room shall be provided with a key to any lock(s) used to secure the Private Room.

- 10.19. Where the *Residential Tenancies Act* applies to a Lodging House, the Licensee shall comply with the responsibilities of landlords as set out in the statute and each Lodger shall be entitled to the protections provided to tenants under the statute.
- 10.20. The Licensee shall not interfere with the provision of any medical care or service to a Lodger or obstruct any Health and Support Worker or Health Care Professional providing services to a Lodger.
- 10.21. The Licensee shall establish policies and procedures the distribution and administration of medication to Lodgers by Lodging House staff, which shall comply with Applicable Law, and shall ensure that staff do not distribute or administer medication except in accordance with those policies and procedures and all Applicable Law.
- 10.22. The Licensee and any other Person(s) involved in the operation of the Lodging House shall not interfere with the reasonable enjoyment of the Lodging House by a Lodger in respect of guests and shall not:
- (a) restrict, harass or interfere with short-term visitors or non-frequent guests;
 - (b) impose visiting hours;
 - (c) require a Lodger to notify the Licensee or any other Person(s) involved in the operation of the Lodging House of guests or request permission to have guests; or
 - (d) charge a Lodger any fee or charge amounts otherwise payable by the Lodger for short-term visitors or non-frequent guests.
- 10.23. No Licensee or any staff of the Licensee or the Lodging House shall act as the Guardian for any Lodger.
- 10.24. If a Lodger or the Guardian of a Lodger requests that a Licensee hold money on behalf of the Lodger, the Licensee shall:
- (a) deposit the funds into a Trust Account opened and maintained for that purpose
 - (b) provide a receipt for each transaction;
 - (c) provide transaction and balance records for the Trust Account to the Lodger or Guardian upon request; and
 - (d) maintain records of the opening and closing balances of the Trust Account on a monthly basis and make them available for inspection by the Lodger or Guardian without charge.
- 10.25. The Licensee shall keep a record of any complaint made by a Lodger, the Guardian of a Lodger or any other Person in relation to any matter regulated under this By-law, which shall document the date, time and subject matter of the complaint, the identity of the complainant and the action taken by the Licensee in response to the complaint.
- 10.26. The Licensee shall maintain complaint records for not less than three (3) years and shall produce them to the City upon request.

11. Enforcement

- 11.1. For the purposes of enforcing this By-law, an Enforcement Authority may exercise any power, authority or remedy granted to the City pursuant to the *Municipal Act, 2001*, *Building Code Act*, *Fire Protection and Prevention Act* and *Provincial Offences Act*, R.S.O. 1990, c. P. 33 ("*Provincial Offences Act*").

- 11.2. An Enforcement Authority may at any reasonable time enter a Property where a Lodging House is situated, including all areas of the Lodging House other than Private Rooms, for the purpose of carrying out an inspection to determine if the Lodging House is in compliance with this By-law.
- 11.3. Notwithstanding subsection 11.2, an Enforcement Authority may enter a Private Room with the permission of the Lodger(s) identified in the Lodging Agreement for that Private Room.
- 11.4. For the purposes of an inspection under subsection 11.2 of this By-law, an Enforcement Authority may:
- (a) require the production of any relevant books, records or other documents in respect of the Lodging House and examine them, make copies of them or remove them temporarily for the purpose of making copies;
 - (b) inspect and take samples of any material, food or equipment being used in the Lodging House;
 - (c) perform tests, take photographs or make recordings in respect of the Lodging House; and/or
 - (d) require information from Persons in respect of matters relevant to the inspection.
- 11.5. Where an Enforcement Authority is of the opinion that this By-law or a condition of a Licence is not being complied with, the Enforcement Authority may make an Order requiring the Licensee to address the contravention(s) and bring the Lodging House into compliance within the time limits specified in the Order.
- 11.6. An Order made under subsection 11.5 of this By-law shall be posted in a prominent location at the Lodging House and shall further be sent by registered mail to the address of the Licensee on file with the City. The Order shall be deemed served five (5) days after it is sent.
- 11.7. Where an Order made under subsection 11.5 of this By-law may result in the loss of housing for one (1) or more Lodgers, the Enforcement Authority shall notify Niagara Region Community Services of the Order so that Niagara Region Community Services may take any action it deems necessary in respect of the potential loss of housing.
- 11.8. Where a Licensee fails to comply with an Order made pursuant to subsection 11.2 of this By-law within the time prescribed in the Order, the City may carry out any work necessary to bring the Lodging House into compliance with the Order, which work shall be done at the expense of the Licensee.
- 11.9. Where any action is taken to bring a Lodging House into compliance with this By-law or where any items, materials or things are removed from any Lodging House pursuant to this By-law, the City shall not be liable to compensate the Licensee, Lodger(s) or any other Person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under this By-law.
- 11.10. No Person shall obstruct or hinder, or attempt to obstruct or hinder, an Enforcement Authority in carrying out an inspection for the purposes of enforcing this By-law or in carrying out any work necessary to bring a Lodging House into compliance with this By-law.

12. Offences and Penalties

- 12.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.

13. General

- 13.1. The short title of this By-law is the “Lodging House Licensing By-law”.
- 13.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 13.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the City, the provision that establishes the higher standard shall prevail.
- 13.4. This By-law shall be read with all changes in number or gender as are required by context.
- 13.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 13.6. The Clerk is hereby authorized to effect any minor modifications or corrections of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

14. Effective Date

- 14.1. This By-law shall come into force on the date that it is enacted.

Enacted and passed this ____ day of _____, 2023.

William C. Steele
Mayor

Charlotte Madden
City Clerk

Work Plan

Committee Name:

Year:

Goal #1:							
Objective	Activities	Who is Responsible?	Timeline	Expected Outcome	Evaluation	Budget Impact	Comments
Goal #2:							
Objective	Activities	Who is Responsible?	Timeline	Expected Outcome	Evaluation	Budget Impact	Comments
Goal #3:							
Objective	Activities	Who is Responsible?	Timeline	Expected Outcome	Evaluation	Budget Impact	Comments

Goal #4:							
Objective	Activities	Who is Responsible?	Timeline	Expected Outcome	Evaluation	Budget Impact	Comments
Goal #5:							
Objective	Activities	Who is Responsible?	Timeline	Expected Outcome	Evaluation	Budget Impact	Comments

Legend

Goal #: What is the Committees Goal?

Objective: Provide Goal description.

Activities: How is the Committee going to accomplish the chosen objective?

Who is responsible?: Who will be responsible for the activities?

Timeline: When will the activities begin and end?

Expected Outcome: What are the Committee’s desired results?

Evaluation: How is the Committee going to measure the outcomes?

Budget Impact: What funds will be required for this activity?