



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* 187-86

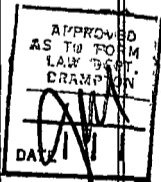
To adopt Amendment Number 94  
to the Official Plan of the City  
of Brampton Planning Area.

The council of The Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, 1983, hereby ENACTS as follows:

1. Amendment Number 94 to the Official Plan of the City of Brampton Planning Area is hereby adopted and made part of this by-law.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of Amendment Number 94 to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL,

this 14th day of July, 1986



KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

ORIGINAL

By-law 18750


Amendment Number 94  
to the Official Plan  
for the City of Brampton  
Planning Area

**21-0P-0031 094**

Amendment No. 94  
to the  
Official Plan for the  
City of Brampton Planning Area

This amendment to the Official Plan for the City of Brampton, which has been adopted by the Council of the Corporation of the City of Brampton, is hereby approved in accordance with Section 21 of the Planning Act 1983 as Amendment No. 94 to the Official Plan to the City of Brampton Planning Area.

Date *Nov. 24, 1986...*

  
L. J. FINCHAM  
Director  
Plans Administration Branch  
Central and Southwest  
Ministry of Municipal Affairs



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 187-86

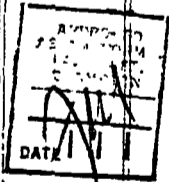
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READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL,

this 14th day of July, 1986



KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

CERTIFIED A TRUE COPY

  
City Clerk  
City of Brampton

JUL 21 1986

1. Purpose

The purpose of this amendment is to include in the Official Plan for the City of Brampton Planning Area policy guidelines for the establishment of rest homes and retirement homes in areas designated for residential and institutional purposes.

2. Amendment and Policies Relative Thereto

(1) The Official Plan of the City of Brampton Planning Area is hereby amended

(a) by adding the following definitions to Part II - the General Plan - Definition of Terms used in the Policies of the Plan.

"Rest Home" means a place or dwelling for the accommodation of persons, who, by reason of their emotional, mental, social or physical condition, or legal status, require a supervised living arrangement for their well-being, in which

- (1) rooms or room and board are supplied for hire or gain,
- (2) no less than 3, and no more than 8 persons, exclusive of staff, can be accommodated,
- (3) there is a common dining room and common sitting room for the residents,

but shall not include

- (a) a group home;
- (b) an auxiliary group home;
- (c) a nursing home;
- (d) a place maintained and operated primarily for, and occupied by, persons placed on parole or inmates;
- (e) a place maintained and operated primarily for the temporary care of, and occupied by, transient or homeless persons, or
- (f) a place maintained and operated primarily for the treatment and rehabilitation of, and occupied by, persons who are addicted to drugs or alcohol.

"Retirement Home" means a place or dwelling for the accommodation of persons, who, by reason of their emotional, mental, social or physical condition, or legal status, require a supervised living arrangement for their well-being, in which

- (1) dwelling units, rooms or room and board are supplied for hire or gain;
- (2) more than 8 persons in addition to the staff and operator are accommodated in the retirement home;
- (3) there is a common dining room and common sitting room for the residents,

but shall not include

- (a) a group home;
  - (b) an auxiliary group home;
  - (c) a nursing home;
  - (d) a place maintained and operated primarily for, and occupied by, persons placed on parole or inmates;
  - (e) a place maintained and operated primarily for the temporary care of, and occupied by, transient or homeless persons, or
  - (f) a place maintained and operated primarily for the treatment and rehabilitation of, and occupied by, persons who are addicted to drugs or alcohol.
- (b) by adding to Chapter 2, section 2.1.1.1 between the words "day care centres" and "and convenience shopping" the following:

"group homes, auxiliary group homes, rest homes,"

- (c) by adding to Chapter 2, section 2.1, the following, as section 2.1.1.2.11:

"Rest Home

2.1.1.2.11 Rest Homes may be located in any area designated Residential in the Official Plan, subject to the following provisions:

(i) the home shall comply with the City's licensing requirements for rest homes;

(ii) the rest home shall comply with all requirements set out in any by-laws regulating rest homes;

(a) the accessibility of the premises to public transportation, shopping facilities, churches, libraries, public parks and other community services;

(b) adequate vehicular ingress/ egress and on-site parking;

(c) adequate on-site landscaped open space suitable for passive recreational use by the residents of the home;

(d) siting and landscaping to minimize any adverse impact on adjacent residential uses; and

(e) compatibility of the proposed use with adjacent existing or designated uses."

(d) by adding to Chapter 2, section 2.4.1, between the words "service clubs" and "and residential care facilities" the following:

"retirement homes,"

(e) by adding, to Chapter 2, section 2.4, as subsection 2.4.2.4:

"Retirement Homes

2.4.2.4 Retirement Homes may be located in any area designated Institutional by the Official Plan, subject to the following provisions:

- (i) the retirement home shall comply with all requirements set out in any by-laws regulating retirement homes;
  
- (ii) in determining the suitability of a site for use as a retirement home, due regard shall be had to
  - (a) the accessibility of the premises to public transportation, shopping facilities, churches, libraries, public parks and other community services;
  
  - (b) adequate vehicular ingress/ egress and on-site parking;
  
  - (c) adequate on-site landscaped open space suitable for passive recreational use by the residents of the home;
  
  - (d) siting and landscaping to minimize any adverse impact on adjacent uses, and
  
  - (e) compatibility of the proposed use with adjacent existing or designated uses."



APPENDIX

BACKGROUND MATERIAL TO AMENDMENT NUMBER 94

Attached as background material to Amendment Number 58 are the following:

1. Report to Planning Committee from Planning and Development staff, dated June 24, 1985 (amended August 1, 1985);
2. Report to Planning Committee from Planning and Development Department staff, dated May 15, 1986;
3. Report to Planning Committee from Planning and Development Department staff, dated June 13, 1986, forwarding notes of a public meeting held on June 4, 1986. Notice of the public meeting was given by advertisements in the Brampton Daily Times and the Brampton Guardian.

# INTER-OFFICE MEMORANDUM

C4

## Office of the Commissioner of Planning & Development

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June 24, 1985

TO: The Chairman and Members of Planning Committee  
FROM: J. A. Marshall, Director of Planning Policy and Research  
RE: Rest Home Policies  
Our File No. H10

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### 1.0 ORIGIN

At its meeting of May 22, 1985, Council received a staff report on an application for amendment to the zoning by-law to permit the conversion of an existing duplex on 12 William Street to a rest home for up to eight retired persons.

At that meeting, Council directed staff to submit a policy report on rest homes.

Accordingly, the following report was prepared which discusses the various group living arrangements available to the elderly and analyzes the nature of and concerns related to privately operated rest homes in particular. The report concludes that such rest homes ought to be regarded as a special type of lodging houses in that they provide room and board to residents with special care needs. Finally, the report offers a number of recommendations toward improving municipal control over privately operated rest home facilities.

### 2.0 DISCUSSION

#### 2.1 Residential Care Facilities for Seniors

##### 2.1.1 Homes for the Aged

Homes for the Aged are subject to the Province's "Homes for

C4-2

- 2 -

the Aged and Rest Homes Act", and must be operated on a non-profit basis by either a municipality or a charitable institution. Homes for the Aged are provincially funded by the Ministry of Community and Social Services or the Ministry of Health.

The care required by residents varies from so-called "residential care" (i.e. 90 minutes or less of nursing care per day) to "extended care" (i.e. more than 90 minutes of nursing care per day).

Only one such facility presently exists in Brampton, namely the Peel Manor Home for the Aged.

#### 2.1.2 Nursing Homes

For purposes of this report, the term "nursing home" is used to identify a specific kind of rest home. A nursing home is a rest home established and maintained under the Province's "Homes for the Aged and Rest Homes Act", and operated for profit by private agencies which have been approved and are licensed by the Ministry of Health.

At least 75% of nursing home residents must require extended care. As a result, nursing homes generally accommodate a higher rate of extended care patients than would a Home for the Aged. Funding is provided partly by the Ministry of Health, partly by the Ministry of Community and Social Services and partly by co-payments from the residents. Such co-payments are tied to the Old Age Security/Guaranteed Income Supplement and are set such that each resident will be assured a minimum allowance of personal spending money.

Brampton has two such facilities, namely the Tullamore Nursing Home and the Holland Christian Homes. (It is noted

that the latter also includes a number of senior citizen apartment units.)

2.1.3 Satellite Residences for Seniors

Satellite residences are a kind of group home intended to provide a residential setting for elderly individuals no longer able to be cared for at a home or who are unable to live at home without supervision or assistance.

Satellite homes are established under the Province's "Homes for the Aged and Rest Homes Act" with the Ministry of Community and Social Services being the licensing and approving agency.

As these residences are subject to provincial licensing, they are included under the group home definition of the Municipal Act. Consequently, it is within the City's jurisdiction to require that they also be registered with the City.

Supervision is provided on a 24 hour basis. Medical and social supervision for residents is provided by the Homes for the Aged with which the satellite residence is affiliated.

The person in charge of the satellite home must ensure proper management and operation of the home.

Satellite homes can vary in size, from homeowners who provide a residential setting for one or two residents, to a facility which accommodates up to 25 individuals.

Presently, there are no satellite residences in Brampton.

C4-4

- 4 -

2.1.4 Rest Homes or Retirement Homes

A careful distinction must be made between nursing homes on the one hand and rest homes or retirement homes on the other. Although both kinds of facilities are privately run for profit, they are two very different kinds of operations. A major distinction is that nursing homes are controlled through provincial statutes and subject to stringent licensing and funding requirements all of which must be met by any nursing home operator. Rest homes are not subject to any provincial statute or act and hence do not require provincial licensing, approvals or supervision for their lawful operation.

In general terms, rest or retirement homes provide room and board for a fee to elderly persons who are unable or unwilling to live on their own. Rest or retirement homes may vary dramatically in size from a two or three resident family type to a large institutional-type facility.

In the past, many of the larger facilities operated as so-called private "nursing homes" until the introduction of the Nursing Homes Act in 1972. When they failed to obtain a license, operators then continue to run their facilities under the name of "rest home" instead.

In other words, rest homes have been allowed to operate in a vacuum of provincial legislation and without guidelines regarding staffing, staff training, required support care for residents, social programs or even nutritional standards. Also, there is no provincial legislation which would specifically authorize a municipality to regulate and enforce such standards for rest homes or retirement homes.

As a consequence, rest homes have given rise to a number of

concerns which are discussed in more detail in the following section.

3.0 REST HOMES: Identification of Concerns and Alternative Courses of Action

As noted earlier, the lack of control over the quality of accommodation and the standard of operation provided in rest homes must be of major concern. It is expected that in future there will be an increased prevalence of such rest homes, in part, as a result of the Provincial commitment to a policy of de-institutionalization and the shifted emphasis on community-based residential alternatives for those individuals with varying levels of special care needs.

Where it concerns accommodation for the elderly, this shift has not been accompanied by corresponding Provincial financial commitment or a legislative framework for the provision of community-based residential care facilities. This has in many instances resulted in these individuals being left to their own resources to fend for themselves.

For the elderly (many of whom are on medication) with negligible income and limited if any family support, the privately operated rest or retirement home becomes the only affordable alternative when they are unable or unwilling to maintain a separate residence, or when institutional alternatives such as a home for the aged, nursing home or satellite residence are not available or appropriate.

While the majority of private rest home operators are not implicated, the potential for abuse in private rest homes has been well documented in studies undertaken by the Metro Toronto Social Services and Housing Sub-Committee as early as 1979\*, and more recently, in numerous newspaper articles on retirement homes and rest homes.

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\*"Adult Residential Facilities in Metropolitan Toronto". First Report to the Metropolitan Toronto Social Services and Housing Sub-Committee, October 1979.

C4-6

- 6 -

It may be argued that the Province has an obligation to ensure the protection of those individuals most affected by the Provincial de-institutionalization policy by providing a legislative framework for community-based care which is comprehensive enough to include controls for private rest homes or retirement homes. However, in the absence of such provincial legislation, the municipality would appear to have a responsibility to try to ensure that its elderly residents in need of special care are accommodated in rest homes which meet basic quality of care standards.

(a) Rest Homes as Group Homes

One way for the municipality to exercise this responsibility would be to treat rest homes or retirement homes as a group home and thereby permit them as of right in any residential neighbourhood provided certain criteria such as maximum number of occupants, distance and dispersal criteria are being met. This approach would certainly ease the way for rest homes to locate in Brampton and hence, assist in providing accommodation for certain elderly people. However, this approach must be regarded as inadequate in terms of ensuring a satisfactory level of care for these elderly individuals because of the following reasons:

- . A rest home or retirement home other than a satellite residence is not regarded as a group home by the province, nor are such homes subject to any general or special provincial act or statute. Hence, they are not subject to provincial controls in terms of licensing or approval.
- . As a result, the municipality has no jurisdiction to require such homes to be registered with the City. To be noted here is that the Municipal Act as per Section 236(1)(a) empowers the municipality only to register those group homes which are licensed or approved by the Province.

- Consequently, the municipality and the province have no control over the quality of accommodation or standards of operation. All the municipality can do in this instance is to enforce compliance with the zoning by-law, the minimum maintenance and occupancy by-law, and the building and fire codes, none of which are designed to ensure that a sufficient level of special care is provided for the residents.

In light of the foregoing, it must be concluded that it is inappropriate to apply the City's group homes policies to rest and retirement homes.

(b) Rest Homes as Lodging Houses

An alternative means of control would be to recognize and define rest or retirement homes in the zoning by-law as a class of lodging houses for which the municipality has licensing authority as per Section 61 of the Municipal Act and, hence, can ensure certain standards of occupancy, property maintenance, safety, health and personal care.

It is noted here that the municipality's By-law 224-80 regarding the licensing of lodging houses already defines lodging houses to include the kinds of private rest or retirement homes which are subject of this report. In other words, the basic mechanism is in place enabling the City to license rest or retirement homes.

At present, lodging houses are subject to the City's minimum maintenance and property standards by-law, as amended, which ensures that basic standards are met including the following:

- maximum occupancy ratio
- fire protection
- electrical wiring safety



C4-8

- 8 -

- . sanitary facilities
- . protection for food
- . natural light
- . safety

Licenses for lodging houses are non-transferable and subject to inspection and yearly renewal. The zoning by-laws presently permit lodging houses as of-right only in the R2B zone of the former Town of Brampton area. Elsewhere, lodging houses will only be permitted subject to site-specific zoning by-law amendment; thereby maximizing the City's ability to control the location of future lodging houses.

It may be argued that rest homes and lodging houses are essentially the same in that both provide room and board for remuneration. Rest homes must however be regarded as a special kind of lodging house as they accommodate persons who require special care due to their advanced age and related mental and/or physical impairments.

Therefore, the existing 'performance standards' designed to regulate 'usual' lodging houses are not sufficient for such specialized facilities as a rest home. The existing standards deal with the physical and structural suitability of the dwelling only and do not provide any guidelines or regulations for the staffing, staff training, required support care, social programs or nutritional standards necessary to adequately control the quality of residential care offered in a rest home facility.

At the same time, it must be remembered that private rest homes do not receive any public subsidies to help defray operating costs and consequently, any special standards for rest homes must be to ensure the basic well-being of the residents while not creating financial hardship to the operator. Furthermore, it may not be reasonable to upgrade the existing licensing requirements to a standard designed

specifically to control rest homes while making them applicable to all lodging houses. This would place an unreasonable burden on operators of the lodging house whose occupants are in no need for special care. Consequently, it may be most appropriate to develop two sets of licensing regulations, one for lodging houses per se and another for rest homes in particular.

The City of Hamilton has attempted such distinction by passing their "Second Level of Lodging House License By-law", which applies additional licensing regulations only to homes with specific target populations such as the elderly. In addition to the basic licensing standards (building, safety, health standards), Hamilton's by-law makes provision to control such matters as:

- Supervision with access to periodic medical care and professional nursing service;
- Personal care and assistance with daily activities;
- Special diets;
- Supervision of medication;
- Social and recreational opportunities.

A second example is that of the Ottawa-Carleton Region where a somewhat less specific approach has been taken. There, the Regional Board of Health has developed guidelines for rest home operators. These guidelines have become part of the basis for evaluating such specialized lodging house facilities as a rest home because the area municipalities' lodging house licensing by-laws provide, amongst others, for the revocation of a license by the local Board of Health. The greater flexibility of this approach lies in the fact that these guidelines have not been incorporated into the by-law. However, this approach is somewhat ambivalent in the sense that it is not clear whether all or only special types of lodging houses are to comply with these guidelines.

C4-10

- 10 -

#### 4.0 CONCLUSION

It would appear, that it is in the municipality's interest to exercise a satisfactory degree of control over the operation of facilities such as rest homes which cater to a part of the municipality's population least able to protect themselves. It may also be concluded from the foregoing that the appropriate avenue to exercise such control is by way of the municipality's power to license lodging houses which are defined to include rest homes.

Furthermore, it would appear as fair to differentiate between a lodging house per se and a rest home as a special type of lodging house. Accordingly, it would also be fair to apply different standards as licensing requirements for lodging houses vis-a-vis rest homes. The specific contents and manner of implementation of such special licensing standards for rest homes should be the subject of further discussion between City staff from the Planning and Development Department, the Legal Department and the Buildings and Public Works Department as well as the Region's Public Health Department and the Social Services Department.

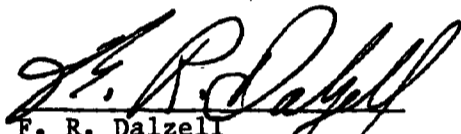
#### 5.0 RECOMMENDATIONS

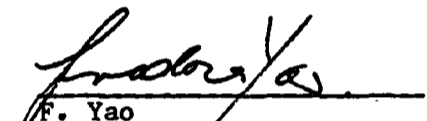
It is recommended that Planning Committee recommend to Council:

- (1) that rest or retirement homes be regarded as lodging houses,
- (2) that rest or retirement homes be subject to the licensing requirements presently in force for lodging houses,
- (3) that staff be directed to develop for Council's approval a set of licensing standards for rest homes in particular, and that this be done in consultation with the Region's Public Health and Social Services Department, and further
- (4) that a copy of this report be forwarded to the Region of Peel

Public Health Department and Social Services Department for  
their information.

CONCUR:

  
F. R. Dalzell  
Commissioner of Planning  
and Development

  
F. Yao  
Policy Planner

FY/jp/19

C10

# INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

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May 15, 1986

TO: Chairman and Members of the Planning Committee  
FROM: Planning and Development Department  
RE: Rest and Retirement Home Policies  
Our File Number H10

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1.0 BACKGROUND

In May 1985, Council received a staff report on an application for amendment to the zoning by-law to permit the conversion of an existing duplex on 12 William Street to a rest home for up to 8 retired persons. Council therefore directed staff to submit a policy report on rest homes.

A staff report, dated June 24, 1985, addressed the issue of rest homes. It discussed the various group living arrangements available to the elderly including homes for the aged, nursing homes, satellite residences for seniors and rest and retirement Homes. In addition, the report analyzed the various concerns related to privately operated rest and retirement homes, specifically the lack of control over the quality of accommodation and the standards of operation.

The staff report examined the alternative courses of action for municipal control over rest and retirement homes. Two possibilities were outlined - treating rest homes as group homes or as lodging houses. A summary of the advantages and disadvantages of each option are outlined below:

C10-2

- 2 -

(1) Rest Homes as Group Homes

Treating rest and retirement homes as group homes would permit them as of right in any residential neighbourhood provided certain criteria such as maximum number of occupants, distance and dispersal criteria were met. However, this solution was found to be inadequate, since rest or retirement homes are not regarded as group homes by the province and, as such, are not subject to provincial controls in terms of licensing or approval. Since section 236(1)(a) of the Municipal Act empowers the municipality only to register group homes, the City has no power to regulate rest and retirement homes if they are treated as group homes.

(2) Rest Homes as Lodging Homes

Paragraph 61 of section 208 of the Municipal Act gives a municipality power to license, regulate and govern lodging houses. This authority ensures certain standards of occupancy, property maintenance, safety, health and personal care. The City's By-law 224-80 regarding the licensing and regulation of lodging houses already defines lodging houses in such a way that it would apply to rest and retirement homes. However, the standards regulating general lodging houses do not deal with regulations for staffing, required support care, social programs or nutritional standards necessary to control the quality of residential care in rest and retirement homes. Additional standards could, however, be incorporated into it.

2.0 STRATEGY

A detailed review of the options available to the City to control the establishment and operation of rest and retirement homes

indicated that the most effective method of control was by way of licensing and regulating these homes as lodging houses. It was further determined that specific standards for rest and retirement homes would have to be developed.

At its meeting July 8, 1985, Council adopted the staff report regarding privately operated for profit rest and retirement homes, described above, and directed staff "...to develop for Council's approval a set of standards for rest homes in particular, and that this be done in consultation with the Region's Public Health and Social Services Departments, and the City of Hamilton..."

Accordingly, staff have prepared amendments to the Official Plan, the applicable zoning by-laws, and the lodging house by-law (By-law 224-80). The purpose of this report is to outline the contents and rationale of these proposed amendments.

### 3.0 DISCUSSION

#### 3.1 Proposed Official Plan Amendment

The proposed Official Plan Amendment defines a rest home as follows:

"Rest Home" means a place or dwelling for the accommodation of persons, who, by reason of their emotional, mental, social or physical condition, or legal status, require a supervised living arrangement for their well-being, in which

- (1) rooms or room and board are supplied for hire or gain,
- (2) no less than 3, and no more than 8 persons, exclusive of staff, can be accommodated,

C10-4

- 4 -

- (3) there is a common dining room and common sitting room for the residents,

but shall not include

- (a) a group home;
- (b) an auxiliary group home;
- (c) a nursing home;
- (d) a place maintained and operated primarily for, and occupied by, persons placed on parole or inmates;
- (e) a place maintained and operated primarily for the temporary care of, and occupied by, transient or homeless persons, or
- (f) a place maintained and operated primarily for the treatment and rehabilitation of, and occupied by, persons who are addicted to drugs or alcohol.

A retirement home is defined in the same manner as a rest home except for the number of persons accommodated. Whereas a rest home accommodates 3 to 8 persons, exclusive of staff, a retirement home houses more than 8 persons, exclusive of staff.

A rest home may be located in any area designated Residential in the Official Plan while a retirement home may be located in any institutionally designated area.

The amendment outlines provisions for the location of rest and retirement homes including:

- compliance with the City's licensing requirements;



- accessibility to public transportation, shopping facilities, churches, libraries, public parks and other community services;
- adequate vehicular access and parking;
- adequate landscaped open space;
- siting and landscaping to minimize any adverse impact on adjacent uses; and
- compatibility of the proposed use with adjacent existing or designated uses.

3.2 Proposed Lodging House By-law Amendment

In order for the City to implement control over privately operated rest and retirement homes, these facilities have been classed as lodging houses. Under paragraph 61 of section 208 of the Municipal Act the municipality is given authority to license and regulate lodging houses. This authority enables the municipality to ensure certain standards of occupancy, property maintenance, safety, health and personal care.

By-law 224-80 is the City's by-law to permit the licensing, regulation and governing of lodging houses. The attached proposed licensing by-law for rest and retirement homes amends By-law 224-80. This by-law addresses the following licensing requirements and conditions for continuance of a rest or retirement home:

Administration

Prohibitions

Licences

Responsibilities of Lodging House Operator

Revocation of Licences

Definitions

Licence fees

C1D-6

- 6 -

Requirements, including

- . compliance with the Ministry of Health "Guidelines for Rest Homes, Lodging Houses and Group Homes",
- . requirements for admission,
- . medical attention and treatment,
- . control of drugs,
- . safety requirements,
- . ventilation requirements,
- . qualifications and health requirements of operator and employees, and
- . record keeping requirements.

The details of the proposed lodging house by-law amendment have been reviewed by the Region of Peel Health Unit.

No public meeting is required prior to the adoption of the proposed amendment to the lodging house by-law; however, it is recommended that it be approved in principle at this time, and that final adoption of it be concurrent with the adoption of the proposed Official Plan Amendment and Zoning By-law Amendments.

3.3 Zoning By-law Provisions


The proposed Official Plan Amendment permits rest homes in the Residential designation and retirement homes in the Institutional designation. For zoning purposes, rest and retirement homes will only be permitted subject to site-specific zoning by-law amendments in order to maximize the City's ability to control the location of future rest and retirement homes. Definitions of rest homes and retirement homes are to be incorporated into the four comprehensive zoning by-laws.

4.0 SUMMARY

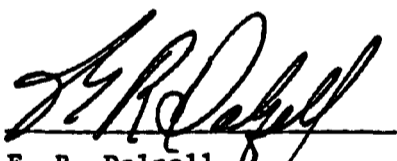
The proposed Official Plan Amendment, zoning By-law amendments and lodging house by-law will provide a satisfactory degree of control over the location and operation of rest and retirement homes in the City of Brampton.

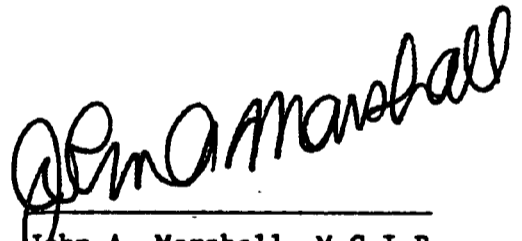
5.0 RECOMMENDATIONS

- (1) That the proposed Official Plan Amendment and Zoning By-law Amendments in respect to rest and retirement homes be approved in principle, and that a public meeting be held in accordance with Council procedures.
  
- (2) That the attached amendment to the lodging house by-law be approved in principle.

  
Pamela Schwartzberg, M.C.I.P.  
Policy Planner

AGREED:

  
F. R. Dalzell  
Commissioner of Planning  
and Development

  
John A. Marshall, M.C.I.P.  
Director, Planning Policy  
and Research

PS/thk/18



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* \_\_\_\_\_

To amend By-law 224-80,  
(licensing, regulating and  
governing lodging houses)

The council of The Corporation of the City of Brampton ENACTS as follows:

1. By-law 224-80, as amended, is hereby further amended:

(1) by deleting therefrom section 3, and substituting therefor the following:

"3. Any person who contravenes any of the provisions of this by-law

1) may have any licence issued hereunder suspended or revoked, and

2) shall, upon conviction, be liable to a penalty of not more than two thousand dollars (\$2,000.00), exclusive of costs, in respect of each offence."

(2) by deleting therefrom section 5, and substituting therefor the following:

"5. A person shall not keep or operate a lodging house which does not comply with the applicable standards, requirements and regulations set out in Schedules B and C to this by-law."

(3) by adding to section 7 thereof the following as section 7(m):

"(m) in respect of an application for a licence to operate a rest home,

(1) a certificate from Ontario Hydro that the rest home or retirement home complies with the Ontario Electric Safety Code,

(ii) a certificate from the City of Brampton Fire Chief that the rest home or retirement home complies with the Ontario Fire Code, and

(iii) a certificate from the Regional Commissioner of Health that the rest home or retirement home complies with all guidelines of the Ministry of Health."

(4) by adding to section 9 (3) thereof, between the words "the" and "standards", the word "applicable";

(5) by deleting therefrom section 12, and substituting therefor the following:

"12. The operator of a lodging house shall post, and keep posted, in a conspicuous place in the entrance hallway, the main hall or the office of the licensed premises

(a) the licence or a copy of the licence;

(b) a statement setting out the maximum number of occupants permitted in the lodging house, and

(c) a notice giving the operator's name and telephone number and the name and telephone number of the manager of the lodging house."

(6) by renumbering sections 14 and 15 thereof as sections 15 and 16;

(7) by adding thereto the following, as section 14:

"14. The operator of a rest home shall keep and maintain, on the premises of the lodging house, the records set out in Schedule D to this by-law."

(8) by adding to section 16 thereof the following:

"16. "ACTIVITIES OF DAILY LIVING" shall mean those activities of a person which are undertaken to ensure that person has sufficient nutrition, warmth, rest and hygiene.

"REST HOME" shall mean a class of lodging house

(1) which accomodates not less than 3 lodgers,

(2) where the lodgers are given guidance and assistance in the activities of daily living by the operator or employees of the rest home, and

(3) there is available to the lodgers, for 24 hours every day, an adult person employed by the operator and qualified to furnish guidance and assistance to the lodgers in the activities of daily living.

"RETIREMENT HOME" shall mean a class of lodging house

- (1) where accommodates not less than 9 lodgers,
- (2) where the lodgers are given guidance and assistance in the activities of daily living by the operator or employees of the rest home, and
- (3) there is available to the lodgers, for 24 hours every day, an adult person employed by the operator and qualified to furnish guidance and assistance to the lodgers in the activities of daily living."

(9) by deleting Schedule A thereto, and substituting therefor Schedule A to this by-law.

(10) by adding thereto, as Schedules C, D, E, and F, Schedules B, C, D, and E to this by-law.



READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL,

this    day of    , 198 .

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**KENNETH G. WHILLANS - MAYOR**

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**LEONARD J. MIKULICH - CLERK**

Initial licence fee: \$150.00

Renewal licence fee:

- rest of retirement home \$150.00

- other lodging house 25.00

1. Every rest home and retirement home shall comply with all aspects of the most current and up-to-date version of the Ministry of Health's "Guidelines for Rest Homes, Lodging Houses, Group Homes" (December 1980).
2. That, 24 hours a day, at least the operator or one adult employee of the operator is on duty in the rest home or retirement home, and able to furnish guidance in the activities of daily living.
3. Where the physical or mental condition of a person is such that, in the opinion of a medical doctor, the person cannot be properly cared for in a rest home or retirement home, the persons shall not be admitted or remain as a resident.
4. A person shall not be admitted as a resident without,
  - (a) his written consent; or
  - (b) the consent in writing of his next of kin or legal representative, as the case may be, when the person has been declared mentally or physically incapable of giving consent.
5. The operator is required to produce the written consent upon request.
6. The operator shall ensure that each resident is given a tuberculin test or chest x-ray within one week of admission, and thereafter as required by the Medical Officer of Health.
7. The obligation is on the operator not to admit a resident until a physician has been retained to attend the Resident and provide him with emergency medical care.
8. The Operator shall make arrangements for a physician, or substitute physician, to be on call to provide emergency services.
9. The Operator shall ensure that all prescription drugs:
  - (a) are kept in one or more locked drug cabinets;
  - (b) are made available only to those residents for whom they have been prescribed, as directed by the physician.



10. Every room shall be adequately ventilated by natural or natural or mechanical means and shall be so designed and installed that it meets with the requirements of section 6.2 and 9.33 of the Ontario Building Code. Such ventilation shall be installed only after plans have been approved and a building permit issued, by the Chief Building Official.
11. A rest home or retirement home shall be free from hazards to the safety of residents, staff or visitors.
12. A person shall not be licensed to operate a rest home or retirement home unless he/she meets the qualifications as set out in Schedule E.
13. A person shall not be employed in a rest home or retirement home unless he/she meets the qualifications as set out in Schedule F."

Maintenance of Records

1. The operator shall maintain:
  - (a) An up-to-date, alphabetical list of Residents showing, for each Resident, his name, sex, age and date of admission.
  - (b) A separate file for each Resident, showing at least his name, sex, age; a brief medical history before admission; date of admission and discharge or death; name, address and telephone number of nearest relation; brief medical history; particulars of each accident suffered by the Resident.
2.
  - (a) A record, in Form 1, shall be made of every occurrence of injury; shall be placed in the Resident's file; and kept available for inspection by the Medical Officer of Health.
  - (b) A record, in Form 1, shall be made of every occurrence of communicable disease and of death resulting from accident or an undetermined cause, shall be sent or delivered forthwith to the Medical Officer of Health; and a copy shall be placed in the Resident's file.
  - (c) A report, in Form 2, shall be made of every fire; shall be sent or delivered forthwith to the Chief Fire Prevention Officer; and a copy shall be kept on file in the rest home or retirement home.
3.
  - (a) The Medical Officer of Health, the Building Commissioner, the Chief Fire Prevention Officer, the Chief of Police and the Commissioner of Licensing (or their respective representatives), may, at all reasonable times, inspect any rest home or retirement home and the List of Residents required by section 1 (a).
  - (b) The Medical Officer of Health (or his representative) may, at all times, inspect the file of any Resident required by section 1(b) above, and may make copies of the contents thereof.

Form I

City of Brampton  
Rest Homes and Retirement Homes

OCCURENCE REPORT

1. Name of Rest Home or Retirement Home .....
2. Address.....
3. Date of Occurence.....
  - (i) Time of Occurence..... a.m.....p.m.
4. Name of Resident.....
 

Year of Birth.....Male.....Female.....

Date of commencement of residency.....
5. Brief description of occurence.....
 

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.....

.....
6. Name of person who discovered or observed occurence.....
7. Was Resident sent to hospital?
 

yes ( ) no( )
8. Name of hospital.....

C10-16

9. Time when physician was notified.....a.m..... p.m.

10. Name of physician notified.....

11. Physician notified by.....

12. Attending physician's diagnosis and treatment.....  
.....  
.....  
.....  
.....  
.....

13. Signature of attending physician.....

14. Was coroner notified?

yes ( ) no ( )

15. Name of coroner.....

16. Were relatives or friends of Resident notified?

yes ( ) no ( )

17. Date of report.....

18. Signature.....

NOTE:

1. In case of communicable disease, or death resulting from accident or an undetermined cause, send or deliver this report to:

The Medical Officer of Health  
Region of Peel  
10 Peel Centre Drive  
Brampton, Ontario  
L6T 4B9

2. Place a copy of this report in the Resident's file.

FORM 2

City of Brampton  
Rest Homes and Retirement Homes

FIRE REPORT

Fire Prevention Bureau  
Number.....

1. Name of Home.....Floor.....Room.....

Address.....

Discovered: Date.....19....Time.....p.m.

2. Persons involved: (Give Full Name and Address)  
.....

3. Details of Fire:  
a) Cause.....  
.....

b) How extinguished and by whom.....  
.....

c) Action taken to prevent recurrence.....

d) Comments.....  
(continue on back if necessary)  
.....

e) Any observed weakness in prevention methods for this type of fire:  
.....  
.....

C10-18

4. Date of Report.....

5. Signature.....

NOTE: send or deliver this Report to:

The Chief Fire Prevention Officer  
Fire Department  
8 Rutherford Road South  
Brampton, Ontario  
L6W 3J1

Qualifications of Operator

1. A person shall not be licensed to operate a rest home or retirement home unless:
  - (a) he is eighteen years of age or over;
  - (b) (i) he produces an Ontario Secondary School Graduation Diploma or evidence of equivalent standing as determined by the Minister of Education, or  
  
(ii) he produces evidence satisfactory to the Medical Officer of Health of employment experience in work comparable to the administration of the rest home or retirement home which he proposes to operate.
  - (c) he had a pre-employment examination by a physician not more than thirty days before his employment is to commence;
  - (d) he obtains a certificate from the examining physician certifying that he is free from infectious disease and fit to work in a rest home or retirement home; and
  - (e) he produces a certificate that he has had a tuberculin test or chest x-ray within one year before his employment is to commence.
2. Every employee in a rest home or retirement home shall undergo at any time such examination or tests, as may be required by the Medical Officer of Health, as to his continuing fitness to work in a rest home or retirement home.
3. The operator shall not permit a person who is a carrier of, or has, a communicable disease to continue to work or be employed in a rest home or retirement home as required by the Medical Officer of Health under The Public Health Act and Regulations.

10-20

Qualifications of Employees

1. A person shall not be employed in a rest or retirement home unless;
  - (a) he is eighteen years of age or over;
  - (b) (i) he produces evidence that he had completed Grade 10 in an Ontario Secondary School, or evidence of equivalent standing, or  
  
(ii) he produces evidence, satisfactory to the Medical Officer of Health of employment experience in similar work.
  - (c) he had a pre-employment examination by a physician not more than thirty days before his employment is to commence;
  - (d) he obtains a certificate from the examining physician certifying that he is free from infectious disease and fit to work in a rest home or retirement home; and
  - (e) he produces a certificate that he has had a tuberculin test or chest x-ray within one year before his employment is to commence.
2. Every employee in a rest home or retirement home shall undergo at any time such examination or tests, as may be required by the Medical Officer of Health, as to his continuing fitness to work in a rest home or retirement home.
3. A person who is a carrier of, or has, a communicable disease shall not continue to work or be employed in a rest home or retirement home as required by the Medical Officer of Health under The Public Health Act and Regulations.



D1

# INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

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1986 06 13

To: The Chairman and Members of Planning Committee

From: Planning and Development Department

Re: REST AND RETIREMENT HOME POLICIES  
Our File: H-10

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Attached are notes of the public meeting in respect of the subject policy.

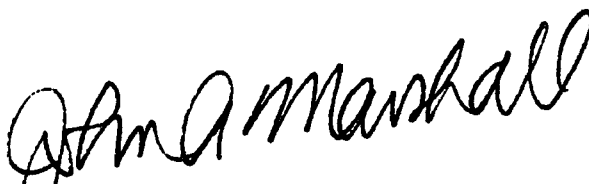
There were no interested members of the public in attendance.

RECOMMENDATION:

That Planning Committee receive the notes of the public meeting and recommend to Council that the proposed Official Plan Amendment and Zoning By-law Amendments in respect of Rest and Retirement Homes be adopted, and that the proposed amendment to the lodging house by-law be approved.

CONCUR

  
F. R. Dalzell,  
Commissioner of Planning  
and Development

  
John A. Marshall, M.C.I.P.,  
Director of Planning Policy  
and Research

JAM/ec  
attachment

01-2

PUBLIC MEETING

A Special Meeting of Planning Committee was held on Wednesday, June 4, 1986, in the Municipal Council Chambers, 3rd Floor, 150 Central Park Drive, Brampton, Ontario, commencing at 8:55 p.m. with respect to REST AND RETIREMENT HOMES. The City of Brampton has initiated an amendment to the Official Plan that sets out definitions and policies in respect of "Rest Homes" and "Retirement Homes".

Members Present: Alderman Lorna Bissell - Chairman  
Councillor F. Russell  
Alderman H. Chadwick  
Alderman D. Metzak  
Alderman J. Hutton  
Alderman S. DiMarco

Staff Present: F. R. Dalzell, Commissioner of Planning  
and Development  
L.W.H. Laine, Director, Planning and  
Development Services  
P. Schwartzberg, Policy Planner  
E. Coulson, Secretary

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The Chairman enquired if notification of the public meeting was placed in the local newspapers.

Mr. Dalzell replied in the affirmative.

There were no interested members of the public in attendance and the meeting adjourned at 8:56 p.m.