



AMENDED BY BY-LAW 239-93
275-93

REPEALED BY BY-LAW 262-2004

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 67-92

A by-law to license Lodging Houses
and to repeal By-laws 224-80 and 192-86

The Council of The Corporation of the City of Brampton
ENACTS AS FOLLOWS:

Definitions

1. For the purposes of this by-law:

"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.

"apartment dwelling" means a building containing six or more dwelling units which have a common entrance from the street level, and the occupants have the right to use the common elements.

"commissioner" means the Commissioner of Public Works and Building or his designate.

"convertible detached dwelling" shall mean a complete detached residential building containing one primary dwelling unit and one secondary dwelling unit while retaining the exterior appearance of a single family detached dwelling and is designed to be converted to a single family detached dwelling without exterior or major structural changes.

"licence" shall mean a licence issued by the City of Brampton pursuant to this by-law.

"lodger" means any person who resides in a lodging house other than the owner and his family, the operator, or the manager.

"lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act, or an apartment dwelling as defined in this by-law.

"manager" means a person who is employed by the operator of a Class 1 or Class 3 lodging house to reside at and manage a Class 1 or Class 3 lodging house.

"operator" means a person who operates a lodging house pursuant to this by-law and, in the case of a Class 2 lodging house, means the registered owner of the property.

"owner" means the registered owner of any property for which a lodging house licence is sought or issued.

"person" includes a corporation.

"property" means the property in respect of which a lodging house licence is sought or issued.

"rest home" shall mean a class of lodging house:

- (1) which accommodates 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) which 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 retirement 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.

Administration

2. This by-law shall be administered and enforced by the Commissioner of Public Works and Building, and by such persons as he directs or appoints to do so.
3. This by-law shall apply to three classes of lodging house:
 - (1) Class 1: a lodging house in which three (3) or more persons are harboured, received or lodged for hire, but which is not a Class 2 or Class 3 lodging house;
 - (2) Class 2: a lodging house in a convertible detached dwelling; and
 - (3) Class 3: a lodging house which is a rest home or retirement home.
4. Any person who contravenes any of the provisions of this by-law is guilty of an offence, and in addition to any other proceedings which may be instituted against such person, the municipality may revoke the licence and any rights associated therewith.

Prohibitions

5. No person shall keep or operate a lodging house unless a licence has first been obtained.
6. No person shall keep or operate a lodging house unless the licence issued for it remains current and valid, not having expired or been revoked.
7. No person shall keep or operate a lodging house in contravention of any of the terms and conditions upon which the licence for that lodging house was issued.
8. No person shall keep or operate a lodging house which does not comply with the standards, requirements and regulations set out in Schedule B in respect of a Class 1 lodging house and in Schedule C in respect of a Class 2 lodging house, and in Schedules D, E, F and G in respect of a Class 3 lodging house.
9. No person shall permit the number of occupants of a lodging house to exceed the maximum number of occupants permitted by the licence issued in respect of the lodging house.

Licences

10. An application for a licence shall be in writing, upon such form or forms as may be prescribed from time to time by the Commissioner of Public Works and Building, and shall contain the following information:
 - (1) the name and address of the applicant;
 - (2) in the case of a Class 1 or Class 3 lodging house, the name and address of the proposed operator of the lodging house;
 - (3) if the proposed operator is a corporation, the address of the head office of the corporation, and the names and addresses of all directors and officers of the corporation shall be provided in the case of a Class 1 or Class 3 lodging house;
 - (4) the name of the manager who will reside on the premises, if other than the operator;
 - (5) the municipal address, and the correct legal description of the lodging house;
 - (6) in the case of a Class 1 or Class 3 lodging house, the name, address and written consent of the registered owner of the property;
 - (7) the maximum number of lodgers that may be accommodated;
 - (8) the number of sleeping rooms available for lodgers;
 - (9) the number of bathtubs, showers, wash basins, water-closets and sinks in the building;
 - (10) a complete set of floor plans showing all rooms, stairways and exits; and
 - (11) such other information as may from time to time be required by the Commissioner of Public Works and Building.

11. Every application for a Class 1, Class 2 or Class 3 lodging house licence shall include the written consent of the proposed operator and of the registered owner consenting to inspections of the lodging house by the City By-law Enforcement Officers at all reasonable times and at least annually.
12. A separate application and a separate licence is required for each lodging house.
13. An application for the renewal of a licence shall be in writing, upon such form or forms as may be prescribed by the Commissioner of Public Works and Building, and shall contain the following information:
 - (1) the name and address of the applicant;
 - (2) the name and address of the operator of the lodging house;
 - (3) the municipal address of the lodging house;
 - (4) any information or documentation required by section 10 which is now different from when it was last provided in connection with an application for a licence or its renewal; and
 - (5) such other information as may from time to time be required by the Commissioner of Public Works and Building.
14. In the case of a Class 2 lodging house licence application or renewal thereof, the applicant shall provide an affidavit attesting to ownership and a declaration that the registered owner currently resides and intends to continue to reside at the property which contains the lodging house for the term of licence.
15. The fee for a licence, and for the renewal of a licence, shall be as set out in Schedule A to this by-law.
16. No licence shall be issued or renewed unless:
 - (1) all of the information and the documentation required for an application has been submitted;
 - (2) the required fee has been paid; and
 - (3) the lodging house complies with the standards, requirements and regulations set out in Schedules B or C to this By-law in respect of the class of lodging house.
17. A licence shall be valid for one year from the date of its issue, unless it is revoked earlier.
18. A licence is not transferable between persons, and a new licence must be applied for if there is a change in the ownership or operational control of a lodging house.

Responsibilities of Lodging House Operator

19. Every operator of a Class 3 lodging house shall keep and maintain, on the premises, the records set out in Schedule E.

20. Every lodging house operator shall ensure that the licence for the lodging house, along with a statement of the maximum number of occupants permitted in the lodging house, is posted in a conspicuous place in the entrance hallway or the office of the licensed premises.
21. Every lodging house shall notify the Commissioner of Public Works and Building, in writing, of a change in the resident manager, within forty-eight (48) hours of the change.
22. Every operator of a Class 1 or Class 3 lodging house shall ensure that no person occupies for sleeping purposes, any cellar or any space used as a lobby, hallway, closet, bathroom, laundry, stairway or kitchen or any room having a floor area of less than 5.6 square metres (60 square feet). For the purposes of this section, "cellar" shall mean a portion of the building between two floor levels which is partly or wholly underground, and which has more than 1/2 of its height from finished floor to finished ceiling below adjacent finished grade as approved by the Commissioner.
23. No lodging house operator shall permit a room used for sleeping purposes to be occupied by more than one person for each 11.9 cubic meters (420 cubic feet) of air space thereof.
24. No lodging house operator shall permit any room to be used for sleeping purposes unless it contains a window or windows opening directly to the outside air, having an area equal to or not less than 10% of the floor area of the room and capable of being open to the extent of not less than 5% of the floor area of the room, unless such room is otherwise ventilated by natural or mechanical means in accordance with regulations made under The Building Code Act, R.S.O. 1990, c.B-13.
25. No lodging house operator shall permit any cooking appliances of any kind to be installed or maintained in a room used for sleeping purposes, and no gas-or-oil-fired heating appliances, other than those specifically designated and authorized by the regulations made under The Building Code Act, R.S.O. 1990, c.B-13, shall be installed or maintained in any room used for sleeping purposes.
26. Every lodging house operator shall maintain the lodging house in a clean, safe and sanitary condition at all times, and without limiting the generality of the foregoing shall:
 - (1) keep the cellar or basement of the building well drained and ventilated;
 - (2) keep the lodging house weather-proof and free from dampness;
 - (3) keep all heating and ventilation equipment in good repair;
 - (4) remove all rubbish, garbage, ashes, any flammable material and other debris and ensure that the premises are kept free of vermin, insects and other pests;
 - (5) not permit the use of any bathroom for laundry purposes; and

- (6) maintain heat in the premises in compliance with the provisions of any applicable laws or regulations.
27. The Commissioner of Public Works and Building, the Fire Chief, the Medical Officer of Health, Licensing Inspector, and By-law Enforcement Officer and any of their appointed representatives, shall be permitted to enter any lodging house at any reasonable time for the purpose of inspecting the premises to ensure compliance with this by-law, and no person shall prevent or obstruct any such official from so entering the premises.
28. Every operator of a Class 1 or Class 3 lodging house shall ensure that:
- (1) all halls, stairways and means of entrance and egress be kept free from obstruction at all times;
 - (2) smoke detectors be installed in the following areas:
 - (a) each sleeping unit;
 - (b) corridors;
 - (c) the top of stairwells;
 - (d) basement; and
 - (e) storage rooms.
 - (3) every smoke detector shall be:
 - (a) of the single station alarm type;
 - (b) equipped with visual indication and connected by the buildings electrical supplies without a disconnect wall switch or be independently (battery) powered and maintained in good working order.

Revocation of Licences

29. The contravention of any provision of this by-law or any of the terms and conditions of the licence may result in the revocation of the licence.

Repeal of By-laws

30. By-law 224-80 and By-law 192-86 are hereby repealed.

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

THIS 27th DAY OF April, 1992.


PETER ROBERTSON - MAYOR


LEONARD J. MIKULICH - CLERK



SCHEDULE A TO BY-LAW 67-92

LODGING HOUSE

CLASS 1: (not in a convertible unit, and not offering any kind of assistance to occupants).

\$100.00 Initial Licence Fee

\$100.00 Renewal Licence Fee

CLASS 2: (in a convertible unit)

\$100.00 Initial Licence Fee

\$100.00 Renewal Licence Fee

CLASS 3: (offering assistance)

\$100.00 Initial Licence Fee

\$100.00 Renewal Licence Fee

SCHEDULE B TO BY-LAW 67-92 RESPECTING CLASS 1
and CLASS 3 LODGING HOUSES

1. All matters relating to exits and the fire protection thereof shall conform with the relevant sections of the Ontario Building Code, except that the following options shall be available:
 - (1) Basement:
 - (a) where a room or suite of a lodging house is below finished grade, either an individual exit for the room or suite shall be provided, or, where a common quarter is utilized, two means of egress shall be provided; and
 - (b) casement windows not less than 107 cm (42 inches) high and 56 cm (22 inches) wide with a sill height not more than 91 cm (36 inches) above the inside floor, and so located and constructed as to provide direct access to the exterior grade, may be considered a second means of egress.
 - (2) The first and second floor above the basement may be served by one exit provided that:
 - (a) such exit is an exterior door located at or near ground level, and access to such an exit is not through a garage or through a room not under the immediate control of the occupants of the dwelling unit for which the exit is required; and
 - (b) where the exit serves a second floor and is not enclosed, all of the doors on the first floor located adjacent to or between the stairs and the exterior door shall be of the solid core wood or hollow metal type.
- (2) all rooms above the second floor shall have free access to a second interior stairway or exterior fire escape, and where approved, access to an exterior flat roof or balcony will be accepted.

2. The following shall be provided and maintained in every lodging house:

- (1) an electrically connected pull station at each common exit or exits from each floor, with the pull stations to be interconnected with all smoke detectors which are required in the common areas where there are more than 10 persons residing or accommodations for that number.
- (2) a smoke detector, in each common hallway or corridor, on the ceiling of each storey, adjacent to the stairways, to be interconnected so that an alarm in any one detector will sound a similar alarm in all detectors throughout the common areas of the lodging house.
- (3) a smoke detector or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, to be installed between bedrooms or the sleeping areas and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area, or where a single room is occupied as a dwelling unit, located immediately inside the door leading to the room.
- (4) all smoke detectors and alarms shall be equipped with visual indication that they are in operating condition, shall be permanently mounted on a standard outlet box on the ceiling or on the walls between 15.2 cm (6 inches) and 30.4 cm (12 inches) below the ceiling, and shall not have a switch between the smoke detector and the main distribution panel, except that the detectors located within the dwelling unit may be connected to an existing circuit that is not switched.
- (5) fire extinguishers, in good repair and in satisfactory operating condition and ready for instant use at all times, in accordance with the following requirements:
 - (a) 11.4 litre (2.5 gallon) water type (pump or pressure) fire extinguishers bearing the Underwriters Laboratory of Canada designation 2-A, in the corridors and lobbies, located so that there is one such extinguisher within 25 metres (82 feet) of every location on every storey;

(b) one dry chemical type fire extinguisher bearing the Underwriters Laborator of Canada designation 10BC, in every heating area containing oil fired, solid fuel, or gas fired applicances.

3. In addition, there shall be provided and maintained in every lodging house occupied or capable of being occupied by more than ten persons, or having more than three storeys or floors, in addition to the basement, an electrical fire alarm system, as set out in the Ontario Building Code (class 1, 2 or 3 systems for buildings up to three storeys; class 4 or 5 for buildings with more than three storeys).
4. All equipment and devices used as components of an electrical fire alarm system shall be equipment and devices listed and labelled for such use by the Underwriters Laboratory of Canada.
5. All electrical wiring shall be in accordance with the Ontario Electrical Safety Code, and a certificate of inspection shall be found with City's Department of Public Works and Building.
6. Adequate toilet and bathing facilities shall be provided and maintained, within at least one room, with access provided by means of an entrance from a common hallway or corridor, containing at least one wash-basin, one water-closet and one bathtub, for each five lodgers.
7. Where food is prepared or intended to be prepared, adequate facilities shall be provided for the proper preparation and protection of food, with such equipment to be in safe operating condition at all times. Where shared cooking facilities exist, 2A 10BC rated fire extinguisher shall be installed.
8. No cooking or heating appliances shall be located or used in cupboards or clothes closet.
9. Food shall not be prepared or cooked in any area other than the kitchen.
10. One off street parking space shall be provided for each lodger, and an additional space for the resident owner or manager.

11. The required parking spaces shall be provided within the rear yard, side yard or permitted driveway.
12. Access for firefighting equipment shall be maintained at all times.

SCHEDULE C TO BY-LAW 67-92 RESPECTING CLASS 2

LODGING HOUSES

1. A convertible detached dwelling must comply with the requirements of the Ontario Building Code and all applicable zoning by-laws.
2. A convertible detached dwelling must comply with the requirements of the Fire Code.
3. A convertible detached dwelling must comply with the provisions of the Health Protection and Promotion Act, R.S.O. 1990, c.H-7.
4. The Brampton Public Utilities Commission must be satisfied with the condition of the electrical wiring and electrical fixtures in the convertible detached dwelling.
5. Either the primary or secondary dwelling unit within a convertible detached dwelling must be occupied by the registered owner of the property as his place of permanent residence.

SCHEDULE D TO BY-LAW 67-92
RESPECTING CLASS 3 LODGING HOUSES

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 Act. 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 G.
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.

SCHEDULE E TO BY-LAW 67-92
RESPECTING CLASS 3 LODGING HOUSES

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.

4. (a) A certificate from Ontario Hydro that the rest home or retirement home complies with the Ontario Electric Safety Code.
- (b) A certificate from the City of Brampton Fire Chief that the rest home or retirement home complies with the Ontario Fire Code.
- (c) A certificate from the Regional Commissioner of Health that the rest home or retirement home complies with all guidelines of the Ministry of Health.

SCHEDULE E

FORM 1

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.....

6. Name of person who discovered or observed occurence.....

7. Was Resident sent to hospital?
 yes () no ()
8. Name of hospital.....
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.

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:

.....

.....

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

SCHEDULE F TO BY-LAW 67-92
RESPECTING CLASS 3 LODGING HOUSES

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.

SCHEDULE G TO BY-LAW 67-92
RESPECTING CLASS 3 LODGING HOUSES

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.