



1980

c 20 Ambulance Act

Ontario

© Queen's Printer for Ontario, 1980

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Ambulance Act, RSO 1980, c 20

Repository Citation

Ontario (1980) "c 20 Ambulance Act," *Ontario: Revised Statutes*: Vol. 1980: Iss. 1, Article 22.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss1/22>

CHAPTER 20

Ambulance Act

1. In this Act,

Interpre-
tation

- (a) “ambulance” means a conveyance used or intended to be used in an ambulance service for the transportation of persons requiring medical attention or under medical care;
- (b) “ambulance service” means a service held out to the public as available for the conveyance of persons requiring medical attention or under medical care, and includes the service of dispatching ambulances;
- (c) “Board” means the Health Facilities Appeal Board;
- (d) “Director” means the Director of the Ambulance Services Branch;
- (e) “Minister” means the Minister of Health;
- (f) “Ministry” means the Ministry of Health;
- (g) “municipality” includes a metropolitan or regional municipality but does not include an area municipality thereof;
- (h) “operator” means a person or corporation that owns or provides an ambulance service and “operate” has a corresponding meaning;
- (i) “regulations” means the regulations made under this Act;
- (j) “resident” means a person who was actually residing and physically present in a municipality for a period of three months within the preceding six months. R.S.O. 1970, c. 20, s. 1; 1972, c. 93, s. 1; 1975, c. 84, s. 1.

2. The Minister is responsible for the administration and enforcement of this Act. R.S.O. 1970, c. 20, s. 2; 1972, c. 93, s. 2.

Administra-
tion of Act

**Municipal
ambulance
service**

3.—(1) Subject to section 8, the council of a municipality may pass by-laws for acquiring, maintaining and operating an ambulance service. R.S.O. 1970, c. 20, s. 3 (1).

Agreements

(2) The Minister and the council of a municipality or board of health of a health unit may enter into agreements in respect of the acquisition, maintenance and operation of an ambulance service. R.S.O. 1970, c. 20, s. 3 (2); 1972, c. 93, s. 3.

**Functions of
Minister**

4.—(1) It is the duty of the Minister and he has power,

- (a) to ensure the development throughout Ontario of a balanced and integrated system of ambulance services and of effectual ambulance communications facilities;
- (b) to require hospitals to establish, maintain and operate ambulance services and intercommunication respecting ambulance services;
- (c) to establish, maintain and operate, alone or in co-operation with others, ambulance services, intercommunication systems in connection with ambulance services and storage depots for the equipment and supply of ambulances;
- (d) to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of personnel for ambulance services;
- (e) to receive and disburse all moneys appropriated by the Legislature for the purposes of this Act and all moneys payable to the Ministry under this Act;
- (f) to determine the amounts to be paid by the Minister and to pay operators for ambulance services provided and to make retroactive adjustments for underpayment and overpayment for such services according to the cost thereof;
- (g) to establish regions and districts for the purposes of ambulance services and the communications facilities therefor. R.S.O. 1970, c. 20, s. 4 (1); 1972, c. 93, s. 4 (1-3).

**Application
of
R.S.O. 1980,
c. 446**

(2) The *Regulations Act* does not apply to anything done by the Minister under subsection (1). R.S.O. 1970, c. 20, s. 4 (2); 1972, c. 93, s. 4 (4).

5.—(1) Upon the request of the council of a municipality, the Minister may, where he considers to do so would provide an improved ambulance service to the public, by order designate the council of the municipality as the sole authority to operate an ambulance service in that municipality.

Order
of
Minister

(2) Where the Minister makes an order under subsection (1),

Effect
of
order

(a) any person operating an ambulance service in the municipality named in the order, other than the council of the municipality, shall cease operation on or before the day set out in the order; and

(b) the municipality shall pay to any person required to cease operating an ambulance service as a result of the order such sum of money by way of compensation for the value of the ambulance service to the operator as is consistent with the principles of law and equity.

(3) The licence of a person who is required to cease operating an ambulance service as a result of an order of the Minister made under subsection (1) shall be deemed to have been cancelled on the day set out in the order and the provisions of sections 14, 15 and 16 do not apply to such cancellation.

Licence
deemed
cancelled

(4) The Director shall not issue a licence to operate an ambulance service in a municipality named in an order made under subsection (1) to any applicant other than the council of the municipality, and the provisions of sections 14, 15 and 16 do not apply to any such refusal to issue a licence.

When Director
not to
issue
licence

(5) The Minister may rescind any order made under subsection (1) and where the Minister does so subsection (4) ceases to have effect in respect of the municipality.

Minister
may
rescind
order

(6) The *Regulations Act* does not apply to an order of the Minister made under subsection (1). 1975, c. 84, s. 2, *part*.

Application
of
R.S.O. 1980,
c. 446

6.—(1) Where agreement cannot be reached as to the sum of money to be paid by the municipality under clause 5 (2) (b), either the municipality or the operator of the ambulance service may serve upon the other notice that the municipality or the operator, as the case may be, desires that the amount of compensation be determined by arbitration under the *Arbitrations Act* and each party shall, within seven days of the service of the notice appoint a member of a board of arbitration, and a third member who shall be chairman shall be appointed within a further seven days by the two members so appointed.

Notice
requiring
arbitration

R.S.O. 1980,
c. 25

Application
of
R.S.O. 1980,
c. 25

(2) Where a board of arbitration is appointed under subsection (1), the provisions of the *Arbitrations Act* apply as though a submission had been made under that Act. 1975, c. 84, s. 2, *part*.

Minister
to approve
applications
for incor-
poration

7. No application to incorporate a corporation whose objects include the operation of an ambulance service shall be proceeded with until it has first received the approval of the Minister. R.S.O. 1970, c. 20, s. 5; 1972, c. 93, s. 5.

Operator's
licence

8. No person shall operate an ambulance service except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations. R.S.O. 1970, c. 20, s. 6.

Temporary
licence

9. The Director may issue a temporary licence in accordance with the regulations to operate a specified conveyance as an ambulance for a definite period of time stated in the licence. R.S.O. 1970, c. 20, s. 7.

Health
Facilities
Appeal
Board

10.—(1) The Health Facilities Appeal Board is continued and shall be composed of five members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman of the Board.

Quorum

(2) Three members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Members

(3) No employee of the Government of Ontario or of any agency of the Crown shall be appointed a member of the Board.

Remunera-
tion

(4) The members of the Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines. 1972, c. 93, s. 6.

Grounds
for refusal
to issue

11. Subject to section 14, the Director may refuse to issue a licence,

- (a) where the proposed operation would be in contravention of this Act or the regulations;
- (b) where there is no public need for the ambulance service to be operated pursuant to the licence in the area where the applicant proposes to operate;

- (c) where the applicant is not competent to operate or financially capable of operating the ambulance service reliably; or
- (d) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the ambulance service will not be operated in accordance with law and with honesty and integrity. R.S.O. 1970, c. 20, s. 8; 1971, c. 50, s. 5 (1, 2).

12. Subject to section 14, the Director may revoke, suspend or refuse to renew a licence for any reason for which he may refuse to issue the licence if the licensee were an applicant or where the licensee has contravened this Act or the regulations or is in breach of a condition of his licence. R.S.O. 1970, c. 20, s. 9; 1971, c. 50, s. 5 (3). Grounds for revocation, etc.

13.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the terms and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Board require a hearing by the Board and the Board shall appoint a time for and hold a hearing. 1971, c. 50, s. 5 (4), *part*; 1972, c. 93, s. 7 (1). Hearing re terms of licence

(2) Following upon a hearing under subsection (1), the Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence. 1971, c. 50, s. 5 (4), *part*; 1972, c. 93, s. 7 (2). Powers of Board

14.—(1) Where the Director proposes to refuse to issue or renew a licence or proposes to revoke or suspend a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee. 1971, c. 50, s. 5 (5), *part*. Proposal to suspend, etc.

(2) A notice under subsection (1) shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection (1) is served on him, notice in writing requiring a hearing to the Director and the Board, and he may so require such a hearing. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 8 (1). Notice

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection (2), the Director may carry out the proposal stated in his notice under subsection (1). 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 8 (2). Powers of Director where no hearing

Powers of Board where hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection (2), the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purpose the Board may substitute its opinion for that of the Director. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 8 (3).

Terms and conditions

(5) The Board may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 8 (4).

Extension of time for appeal

(6) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 8 (5).

Continuation of licence pending renewal

(7) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 8 (6).

Parties

15.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as are specified by the Board are parties to proceedings before the Board under this Act. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 9 (1).

Notice of hearing

(2) Notice of a hearing under section 14 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(3) An applicant or licensee who is a party to proceedings under section 14 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. 1971, c. 50, s. 5 (5), *part*.

Examination
of docu-
mentary
evidence

(4) Members of the Board holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 9 (2).

Members
holding
hearing
not to have
taken
part in
investigation,
etc.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 9 (3).

Recording
of evidence

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 9 (4).

Findings
of fact

R.S.O. 1980,
c. 484

(7) No member of the Board shall participate in a decision of the Board following upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. 1971, c. 50, s. 5 (5), *part*; 1972, c. 93, s. 9 (5).

Only
members at
hearing to
participate
in decision

16.—(1) Upon the request of any party to the hearing before the Board, made within fifteen days after being served with a decision, the Minister shall review the record and the decision of the Board and the reasons therefor, and the Minister may confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Minister considers proper, and the decision of the Minister is final on all matters except points of law. R.S.O. 1970, c. 20, s. 16 (1); 1971, c. 50, s. 5 (6); 1972, c. 93, s. 10 (1).

Review by
Minister

Reasons

(2) The Minister shall give the reasons for his decision under subsection (1) to each of the parties to the hearing before the Board within thirty days after he receives the request for the review. R.S.O. 1970, c. 20, s. 16 (2); 1972, c. 93, s. 10 (2).

Appeal to court

(3) Any person requesting a review under subsection (1) may appeal the Minister's decision on any point of law to the Divisional Court in accordance with the rules of court. 1971, c. 50, s. 5 (7).

Service of notices

17. Except where otherwise provided, any notice required by this Act to be served shall be served personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. 1971, c. 50, s. 5 (8).

Appointment of inspectors

18.—(1) The Minister may appoint inspectors for the purposes of this Act and the regulations and such appointments shall be in writing. R.S.O. 1970, c. 20, s. 18 (1); 1972, c. 93, s. 11.

Powers of inspectors

(2) An inspector, upon the production of his appointment under subsection (1), may enter the business premises or conveyances of an operator at any time and may examine, extract information from and make copies of his books, accounts and records pertaining to the ambulance service and may inspect the conveyances, supplies and equipment for the purpose of determining their compliance with the regulations. R.S.O. 1970, c. 20, s. 18 (2); 1971, c. 50, s. 5 (9); 1975, c. 84, s. 3.

Confidential matters

(3) Each person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under this section shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

- (c) with the consent of the person to whom the information relates. 1971, c. 50, s. 5 (10).

19. Where a licensee is a corporation, the licensee shall notify the Director within fifteen days of any change in the officers or directors of the corporation. R.S.O. 1970, c. 20, s. 19. ^{Notice of change in corporate management}

20. Every licence, except a temporary licence, expires one year after it is issued. R.S.O. 1970, c. 20, s. 20. ^{Expiration of licences}

21. Where a patient in a hospital is a person who is receiving general assistance from a municipality under the *General Welfare Assistance Act* or is the dependant of any such person and is transported to or from the hospital in an ambulance, the municipality is also liable for and shall pay to the hospital that person's share of the ambulance service operator's fee as prescribed by the regulations. 1972, c. 93, s. 12. ^{Payment of co-payment by municipality R.S.O. 1980, c. 188}

22.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations, ^{Regulations}

- (a) prescribing the standards of conveyances and equipment for ambulance services and of their maintenance and repair and requiring the approval of the Director for the acquisition of such conveyances and equipment as are specified in the regulations;
- (b) governing the management, operation and use of ambulance services, including insurance against liability in connection with their operation;
- (c) prescribing the records, books, audits and accounting system to be kept, made or followed by operators and the returns, reports and information to be submitted to the Director or the Minister;
- (d) prescribing the qualifications for persons employed in ambulance services including their testing and examination, physical or otherwise;
- (e) providing for the issuing of licences and prescribing terms and conditions of licences;
- (f) requiring the payment of fees in connection with licences and applications therefor and prescribing the amounts thereof;

(g) prescribing the fees that may be charged by the operators of each class of ambulance service for each kind of service provided, the methods and times of payment of such fees to the operators and the proportion thereof that may be charged to the person transported in an ambulance. R.S.O. 1970, c. 20, s. 22 (1); 1972, c. 93, s. 13.

Limited application

(2) The regulations may provide that any provision is limited in its application to any specified class of ambulance service, person or thing. R.S.O. 1970, c. 20, s. 22 (2).

Penalty

23.—(1) Subject to subsection (2), any person who contravenes this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Corporations

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.

Penalty

(3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$500.

Limitation

(4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose. R.S.O. 1970, c. 20, s. 23.

Minister not vicariously liable

24. The Minister shall not be held to be vicariously liable for the acts or omissions of operators or their employees. R.S.O. 1970, c. 20, s. 24; 1972, c. 93, s. 14.

Limitation period

25. No action shall be brought against an operator or an employee of an operator for the recovery of damages occasioned by negligence in the provision of ambulance services after the expiration of one year from the time when the damages were sustained. R.S.O. 1970, c. 20, s. 25.