

1980

## c 111 Day Nurseries Act

Ontario

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## CHAPTER 111

## Day Nurseries Act

## 1. In this Act,

Interpre-  
tation

(a) "approved corporation" means a corporation that,

(i) has been approved under section 6, and

(ii) that is specified in the regulations or that is a member of a class prescribed in the regulations;

(b) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada);R.S.C. 1970,  
c. I-6(c) "Board" means the Children's Services Review Board under the *Children's Residential Services Act*;R.S.O. 1980,  
c. 71

(d) "day nursery" means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

(ii) under ten years of age in all other cases,

but does not include,

(iii) part of a public school, separate school, private school or a school for trainable retarded children under the *Education Act*,R.S.O. 1980,  
c. 129

(iv) a place that is used for a program of recreation and that is supervised by a municipal recrea-

R.S.O. 1980,  
c. 276

tion director who holds a certificate issued pursuant to section 10 of the *Ministry of Culture and Recreation Act*, or

R.S.O. 1980,  
c. 69

(v) a children's mental health centre under the *Children's Mental Health Services Act*;

- (e) "developmental handicap" means a condition of mental impairment present or occurring during a person's formative years, that is associated with limitations in adaptive behaviour;
- (f) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (g) "in-home services" means services provided for a child,
- (i) in the child's own home, or
  - (ii) in a place other than the child's own home where the child is receiving residential care;
- (h) "licence" means a licence issued under this Act;
- (i) "Minister" means the Minister of Community and Social Services;
- (j) "Ministry" means the Ministry of Community and Social Services;
- (k) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;
- (l) "operator" means a person who has control or management of a day nursery or a private-home day care agency and "operate" has a corresponding meaning;
- (m) "private-home day care" means the temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;
- (n) "private-home day care agency" means a person who provides private-home day care at more than one location;

(o) "regulations" means the regulations made under this Act;

(p) "residential care" means boarding or lodging, or both, and may include specialized, sheltered or group care in conjunction with the boarding or lodging, or both. 1978, c. 72, s. 1.

2.—(1) The Minister may appoint one or more persons to act as a Director. Appointment of Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder. Duties of Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister may designate. 1978, c. 72, s. 2. Acting Director

3.—(1) The council of a municipality may, subject to this Act and the regulations, by by-law provide for the establishment of day nurseries. Establishment of day nurseries by municipalities

(2) The council of a municipality may pass by-laws granting aid to day nurseries. By-laws re grants

(3) The council of a municipality may, subject to this Act and the regulations, enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children as is agreed upon, and the municipality may make expenditures as are necessary for the purpose. Agreements to provide day nurseries

(4) The Minister may, Establishment, etc., of day nurseries by Minister

(a) with the approval of the Lieutenant Governor in Council, establish day nurseries in areas without municipal organization;

(b) enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children residing in areas without municipal organization as is agreed upon; and

(c) direct payment of expenditures as are necessary for the purposes of clauses (a) and (b). 1978, c. 72, s. 3.

4.—(1) The council of a municipality may pass by-laws granting aid to any person providing private-home day care. By-laws re grant

Agreement  
to furnish  
private-  
home day  
care

(2) The council of a municipality may enter into an agreement with any person for the furnishing of private-home day care, and the municipality may make expenditures as are necessary for the purpose.

Agreement  
with  
Minister

(3) The Minister may enter into an agreement with any person for furnishing private-home day care in areas without municipal organization and may direct payment of expenditures as are necessary for the purpose. 1978, c. 72, s. 4.

Agreement  
to purchase  
in-home  
services

5.—(1) The council of a municipality may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose.

Idem

(2) The Minister may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose.

Agreement  
to purchase  
services

(3) The Minister may enter into an agreement to purchase services for a child enrolled in a day nursery or in receipt of private-home day care and may direct payment of expenditures as are necessary for the purpose. 1978, c. 72, s. 5.

Approval of  
corpora-  
tions

6.—(1) Where the Minister is satisfied that any corporation is, with financial assistance under this Act and the regulations, financially capable of establishing, maintaining and operating a day nursery and that its affairs are carried on under competent management in good faith, the Minister may approve the corporation for the payment of grants under this Act and the regulations.

Funding of  
corporations

(2) Where the Minister intends to approve a corporation under subsection (1) the Minister may enter into an agreement with the corporation for the establishment of a day nursery upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. 1978, c. 72, s. 6.

Suspension  
and  
revocation  
of approvals

7.—(1) Subject to this section, any approval given under section 6 may be suspended or revoked by the Minister where,

- (a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or

(b) the approval would be refused if application were being made for it in the first instance.

(2) Subject to subsection (10), where the Minister proposes to suspend or revoke an approval of a corporation given under this Act, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice of proposal to suspend or revoke

(3) A notice under subsection (2) shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection (2) is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

Notice requiring hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection (5), the Minister may carry out the proposal stated in the Minister's notice under subsection (2) without a hearing.

Powers of Minister where no hearing

(5) Where the approved corporation requires a hearing under subsection (3), the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked.

Hearing

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry.

Idem

(7) Sections 4 to 16 and 21 to 24 of the *Statutory Powers Procedure Act* apply with respect to a hearing under this section.

Application of R.S.O. 1980, c. 484

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out,

Report to Minister

(a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and

(b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

**Decision of  
Minister**

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor.

**Provisional  
suspension  
of approval**

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections (2) to (9) apply. 1978, c. 72, s. 7.

**Payments**

**8.—**(1) There shall be paid to every municipality an amount determined in accordance with the regulations towards the cost incurred,

- (a) for the operation and maintenance of a day nursery established by the municipality; and
- (b) under an agreement entered into pursuant to,
  - (i) subsection 3 (3), or
  - (ii) subsection 4 (2), or subsection 5 (1).

**Payments  
to bands**

(2) There shall be paid to every band an amount determined in accordance with the regulations towards the cost incurred,

- (a) for the operation and maintenance of a day nursery established by the council of the band; and
- (b) under agreements entered into by the council of the band,
  - (i) with the operator of a day nursery for the furnishing of services for such children as is agreed upon,
  - (ii) with any person for the furnishing of private-home day care, or
  - (iii) with any person to purchase in-home services for a child.

**Payment  
to approved  
corporations**

(3) There shall be paid to every approved corporation an amount determined in accordance with the regulations for the

operation and maintenance of a day nursery maintained and operated by the corporation.

(4) An amount payable to a municipality, a band or an approved corporation under this section, Time and manner of payment

(a) shall be paid at the time or times and in the manner as is prescribed by the regulations; and

(b) may in special circumstances be paid in respect of persons,

(i) who are in receipt of private-home day care and have a developmental handicap, in addition to those persons described in clause 1 (m), and

(ii) who are under twelve years of age and are enrolled in a day nursery or in receipt of private-home day care and who do not have a developmental handicap, in addition to those persons described in subclause 1 (d) (ii) and clause 1 (m);

(c) shall, in respect of a child who is,

(i) enrolled in a day nursery and who attains the age of eighteen years where the child has a developmental handicap or attains the age of ten years where the child does not have a developmental handicap,

(ii) in receipt of private-home day care and attains the age of ten years,

(iii) a person referred to in subclause (b) (i) where there are special circumstances, and who attains the age of eighteen years, or

(iv) a person referred to in subclause (b) (ii) where there are special circumstances, and who attains the age of twelve years,

be paid in respect of such child,

(v) where the child attains such age after the commencement of the school year and before the 1st day of January in the school year, until the 1st day of January, or

(vi) where the child attains such age in a school year after the 1st day of January in the



school year, until the completion of the school year. 1978, c. 72, s. 8.

Capital  
payments

**9.**—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by a municipality, band or approved corporation for use in whole or in part as a day nursery, the Minister may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature of an amount determined in accordance with the regulations towards the cost of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the day nursery.

Time and  
manner of  
payment

(2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at the time or times and in the manner as is prescribed by the regulations. 1978, c. 72, s. 9.

Approval of  
sale, etc.

**10.**—(1) No municipality, band or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment under section 9, without the approval in writing of a Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such payment as the Director considers advisable.

Recovery of  
whole or  
part of  
payment

(2) Where a municipality, band or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of a Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection (1), the whole or any part of any payment under section 9 in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

(a) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or

(b) by proceedings in any court of competent jurisdiction. 1978, c. 72, s. 10.

Licence  
required

**11.**—(1) No person shall establish, operate or maintain a day nursery or a private-home day care agency, as the case

may be, except under the authority of a licence issued by a Director under this Act.

(2) Subject to section 12, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a day nursery or a private-home day care agency, as the case may be, and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe. Issuance of licence

(3) Notwithstanding subsection (2), a licence to establish, operate or maintain a day nursery or a private-home day care agency shall not be issued to a partnership or association of persons. Idem

(4) Subject to section 12, a Director shall renew a licence of a day nursery or a private-home day care agency, as the case may be, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee and the renewal shall be subject to such terms and conditions as the Director may prescribe. Renewal of licence

(5) Subject to section 12, where an applicant for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements. Provisional licence

(6) A licence is not transferable.

Not transferable

(7) Where the licensee is a corporation, the licensee shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. 1978, c. 72, s. 11. Notice of change

**12.—**(1) Subject to section 13, a Director may refuse to issue a licence where in the Director's opinion, Grounds for refusal

- (a) the applicant or any employee of the applicant or, where the applicant is a corporation, its officers, directors or employees is or are not competent to

establish, operate or maintain a day nursery or a private-home day care agency, as the case may be, in a responsible manner in accordance with this Act and the regulations;

- (b) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, of its officers, directors or employees, affords reasonable grounds for belief that the day nursery or the private-home day care agency, as the case may be, will not be established, operated or maintained in accordance with this Act and the regulations; or
- (c) the building or buildings or accommodation in which the applicant proposes to establish, operate or maintain the day nursery or provide private-home day care, as the case may be, does not comply with the requirements of this Act and the regulations.

Revocation  
or refusal  
to renew

(2) Subject to section 13, a Director may refuse to renew or may revoke a licence issued to a day nursery or a private-home day care agency, where in the Director's opinion,

- (a) the licensee or any employee of the licensee, or where the licensee is a corporation, any officer, director or employee thereof, has contravened or has knowingly permitted any person under the control or direction of or associated with the licensee, officer, director or employee, as the case may be, to contravene,
  - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the establishment, operation or maintenance of the day nursery or the provision of private-home day care, as the case may be, or
  - (ii) any term or condition of the licence;
- (b) the building or buildings or accommodation in which the day nursery is established, operated or maintained or the private-home day care is provided, does not comply with the requirements of this Act and the regulations;
- (c) the day nursery is established, operated or maintained or the private-home day care is provided in a manner that is prejudicial to the health, safety or welfare of the children cared for in the day nursery

or in the place or places where private-home day care is provided;

- (d) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the day nursery or private-home day care agency, as the case may be; or
- (e) a change in the officers or directors of the applicant would, if the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause (1) (b). 1978, c. 72, s. 12.

13.—(1) Where a Director proposes under section 12 to refuse to issue a licence or to refuse to renew or to revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal together with written reasons therefor, on the applicant or the licensee, as the case may be.

Notice of proposal to refuse to issue or to revoke

(2) A notice under subsection (1) shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days, after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board, requiring a hearing and the applicant or licensee, as the case may be, may so require such a hearing.

Notice requiring hearing

(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 the Director's notice under subsection (1) without a hearing.

Powers of Director where no 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, at the hearing, may by order direct the Director to carry out the Director's proposal or refrain from carrying out the Director's 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 purposes, the Board may substitute its opinion for that of the Director.

Powers of Board where hearing

(5) Sections 8, 10 and 11 of the *Children's Residential Services Act* apply with necessary modifications to proceedings

Application of R.S.O. 1980, c. 71

before the Board, to the powers of the Board under this Act and to appeals therefrom.

Continuation  
of licence  
pending  
renewal

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

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision. 1978, c. 72, s. 13.

Review of  
terms of  
licence by  
Board

**14.**—(1) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 11 (2), (4) or (5), the licensee may, within fifteen days after the licence is received by the licensee, 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.

Decision of  
Board

(2) The Board, pursuant to a hearing under subsection (1), may affirm the terms and conditions prescribed for the licence by a Director under subsection 11 (2), (4) or (5) or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in lieu of those prescribed by the Director as it considers proper.

Receipt

(3) For the purposes of subsection (1), a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date. 1978, c. 72, s. 14.

Directions  
where  
threat to  
children

**15.**—(1) Where, in the opinion of a Director, there is a threat to the health, safety or welfare of the children cared for in a day nursery or in receipt of private-home day care from a private-home day care agency, as the case may be, the Director shall,

(a) give such direction or directions in writing as the Director considers necessary to the operator or to any person on the premises of the day nursery or

premises where private-home day care is provided who appears to be in charge of the children being cared for, directing the operator or person in charge, as the case may be, immediately or within such period of time as the Director specifies to eliminate the threat to the health, safety, or welfare of the children or to protect the children from such threat,

and may,

- (b) direct in writing that the day nursery shall not be used as a day nursery or that private-home day care not be provided on the premises that is the subject of the direction referred to in clause (a) until the Director's direction or directions are complied with.

(2) Where the Director gives a direction under clause (1) (b), the Director may, Notice to parents, etc.

- (a) notify the parents or guardians of the children enrolled in the day nursery or in receipt of private-home day care, as the case may be, of the direction; and
- (b) cause to be affixed to the premises of the day nursery or premises where private-home day care is provided, as the case may be, a notice in the prescribed form and no person except the Director or a program adviser designated under section 16 shall remove the notice unless authorized by the Director or a program adviser.

(3) Notwithstanding section 13, where a direction is given by the Director under subsection (1), the licence of the day nursery or private-home day care agency, as the case may be, shall be deemed to be suspended without a hearing until the Director is satisfied that the direction has been complied with and upon suspension the provisions of section 13 apply as if the direction were a notice of a proposal to revoke the licence under subsection 13 (1). 1978, c. 72, s. 15. Suspension of licence

**16.—(1)** The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation. Program adviser

Remunera-  
tion and  
expenses

(2) The remuneration and expenses of any person appointed under subsection (1) who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of  
program  
advisers

(3) A program adviser may at all reasonable times and upon producing proper identification enter any day nursery or any private-home day care agency or premises used by a private-home day care agency to provide private-home day care, or any premises that the program adviser on reasonable and probable grounds believes is being used as a day nursery or private-home day care agency or is being used to provide private-home day care by a private-home day care agency and inspect the facilities, the services provided and the books of account, and other records in any such premises.

Access for  
inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection (3) and shall produce and permit inspection of the books of account, enrolment records and other records therein and supply extracts therefrom.

Obstruct-  
ing  
inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. 1978, c. 72, s. 16.

Injunction  
proceedings

**17.**—(1) A Director may apply to the Supreme Court by originating notice for an order enjoining any person acting in contravention of subsection 11 (1) or subsection 15 (1), and the court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

Idem

(2) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection (1). 1978, c. 72, s. 17.

Regula-  
tions

**18.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of day nurseries and private-home day care agencies and classes of either of them and premises where private-home

day care is provided by a private-home day care agency and without limiting the generality of the foregoing may make regulations,

- (a) defining "common parentage" for the purpose of clause 1 (d);
- (b) governing the accommodation, facilities, equipment and services to be provided in,
  - (i) day nurseries, and
  - (ii) premises where private-home day care is provided by a private-home day care agency, or any class thereof;
- (c) governing the establishment, construction, alteration and renovation of,
  - (i) day nurseries, and
  - (ii) premises where private-home day care is provided by a private-home day care agency, or any class thereof;
- (d) prescribing the conditions to be maintained in private residences where private-home day care is furnished under an agreement between a municipality, a council of the band or the Minister and any person;
- (e) providing for the inspection of private residences in which private-home day care is furnished under an agreement between a municipality, the council of the band or the Minister and any person;
- (f) prescribing the qualifications of persons supervising children in a day nursery or any class thereof or on a premises where private-home day care is provided under an agreement between a municipality, the council of the band or the Minister and any person;
- (g) establishing and approving courses of instruction for persons supervising children in day nurseries or any class thereof or on premises where private-home day care is provided and providing for the granting of certificates to those persons who have satisfactorily completed the course of instruction or who otherwise meet the prescribed qualifications;



- (h) governing the issuance, renewal and expiration of licences and the fees payable by an applicant for a licence or renewal thereof;
- (i) governing applications by municipalities, bands and approved corporations for payments under this Act and prescribing the method, time, manner and the terms and conditions for the payment thereof and providing for the suspension and withholding of payment and for the making of deductions from payments;
- (j) requiring the approval of the Minister of budgets submitted and expenditures incurred for the purposes of this Act and the regulations by municipalities, bands and approved corporations;
- (k) prescribing classes of corporations with members that may be approved under section 6 and specifying corporations not members of such classes that may be approved under section 6;
- (l) prescribing classes of payment for the purposes of section 8 and determining the amount of any such payment;
- (m) prescribing the manner of computing costs for the purposes of sections 8 and 9;
- (n) prescribing classes of capital payment for the purposes of section 9, the circumstances under which any such payment or class thereof may be paid, and determining the amounts of any such payments or classes thereof;
- (o) prescribing the accounts and records to be kept, claims, returns, and reports to be made and information to be provided and requiring budgets to be submitted by municipalities, bands, approved corporations, private-home day care agencies and day nurseries and prescribing to whom such information is to be provided;
- (p) governing the confidentiality of,
  - (i) accounts and records required to be kept and claims, returns and reports to be made under this Act and the regulations, and
  - (ii) information provided to a day nursery or a private-home day care agency;

- (q) prescribing the amounts to be contributed towards the cost of private-home day care or services provided in a day nursery on behalf of persons in receipt of such services, and prescribing persons required to contribute such amounts;
- (r) prescribing forms and providing for their use;
- (s) prescribing additional powers and duties of a Director;
- (t) prescribing the terms and conditions upon which in-home services or any class thereof may be provided and prescribing the class or classes of persons who may be eligible for such in-home services;
- (u) for the purposes of this Act and the regulations, defining "services" and "facilities" and prescribing classes of services and facilities;
- (v) prescribing terms and conditions to be included in any agreement entered into under section 3, 4 or 5;
- (w) exempting designated approved corporations, day nurseries, municipalities, bands, or private-home day care agencies from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;
- (x) governing the fees that shall be charged for services provided for private-home day care or in a day nursery;
- (y) prescribing additional powers and duties of program advisers;
- (z) prescribing "special circumstances" for the purposes of clause 8 (4) (b). 1978, c. 72, s. 18.

**19.—(1)** An application for assistance towards the cost of private-home day care or services provided in a day nursery on behalf of persons in receipt of such services may be made, Application  
for  
assistance

- (a) where the services are provided in a day nursery operated by a municipality, band or approved corporation or under an agreement entered into under subsection 3 (3), to the person who plans and directs the program of the day nursery and who is in charge of the children;

- (b) where the assistance is for private-home day care under an agreement entered into under subsection 4 (3), to the person who plans and directs the day care program and carries out visits of inspection;
- (c) to a municipal welfare administrator, a regional welfare administrator or a welfare administrator for an approved band, as the case may be; or
- (d) to any person designated in writing by the Minister. 1978, c. 72, s. 19.

Coming  
into force  
of subs. (1)

(2) Subsection (1) does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1978, c. 72, s. 23.

Service

**20.**—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date. 1978, c. 72, s. 20.

Offence

**21.**—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (b) contravenes the provisions of subsection 11 (1);
- (c) fails to comply with a direction of the Director under section 15; or
- (d) fails to comply with an order made by a court under section 17,

and every director, officer or employee of a corporation who knowingly concurs in such contravention or failure by the corporation is guilty of an offence and on conviction by the court is liable to a fine of not more than \$1,000 for each day on which such offence continues or to imprisonment for a term of not more than one year, or to both.

(2) Every person who contravenes the provisions of <sup>Idem</sup> section 16 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both. 1978, c. 72, s. 21.

