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c 174 Homes for the Aged Act

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CHAPTER 174

The Homes for the Aged Act

1. In this Act,

Interpre-
tation

- (a) "home" means a home for the aged established and maintained by a municipality;
- (b) "joint home" means a home for the aged established and maintained by two or more municipalities;
- (c) "last revised assessment rolls as equalized" means last revised assessment rolls as revised and equalized for the purposes of this Act by the assessor of the territorial district, or, if there is no district assessor, by the Department of Municipal Affairs;
- (d) "Minister" means the Minister of Public Welfare;
- (e) "municipality" means a county, city or separated town, but in a territorial district "municipality" means a city, town, village or township;
- (f) "special-home care" means care and maintenance provided in a private residence. 1955, c. 30, s. 1; 1956, c. 30, s. 1.

2.—(1) Except as otherwise provided in subsection 2 or in section 5, every municipality not in a territorial district shall establish and maintain a home. Homes not in districts, establishment, etc.

(2) In lieu of establishing separate homes, the councils of two or more such municipalities may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint home. 1955, c. 30, s. 2. Joint homes not in districts; establishment, etc.

3. A municipality that has a population of more than 15,000 and that is located in a territorial district may, with the written approval of the Minister, establish and maintain a home, or the council of any such municipality and the councils of one or more other municipalities in the same territorial district may enter into an agreement to establish and maintain a joint home. 1958, c. 38, s. 1. Homes and joint homes in territorial districts

4.—(1) When a by-law authorizing the establishment and maintenance of a home under a board of management has been passed by a majority of the municipalities in a territorial Homes in districts; establishment, etc.

district, all of the municipalities in the district shall contribute to its establishment and maintenance.

Trans-
mission of
by-law

(2) When a by-law under subsection 1 is passed, a certified copy thereof shall be transmitted forthwith to the Minister.

Where home
established
under s. 3.

(3) Where a home or a joint home is established and maintained under section 3, the municipality or municipalities that establish and maintain it shall be deemed not to be within the territorial district for the purposes of this section and sections 19 to 22. 1955, c. 30, s. 4.

Provision
for admis-
sion to
and care in
existing
home

5. Notwithstanding sections 2, 3 and 4, the council of any municipality not having a home and not participating in a joint home may, with the approval in writing of the Minister, enter into an agreement with the council of a municipality having a home, the councils of the municipalities having a joint home, or the board of a home providing for admission thereto and maintenance therein of residents of the municipality. 1955, c. 30, s. 5.

Committee
of manage-
ment,
appoint-
ment

6.—(1) The council of a municipality establishing and maintaining a home or the councils of the municipalities establishing and maintaining a joint home may appoint from among the members of the council or councils, as the case may be, a committee of management for the home or joint home.

composition

(2) A committee of management, in the case of a home, shall be composed of not less than three and not more than five members of the council of the municipality, and, in the case of a joint home, shall be composed of not more than three members of the council of each of the participating municipalities. 1955, c. 30, s. 6.

Board of
manage-
ment,
appoint-
ment

7.—(1) The Lieutenant Governor in Council may appoint a board of management, which shall be a corporation, for a home established and maintained under section 4.

composition

(2) A board of management shall consist of five persons residing in the territorial district.

powers

(3) The board shall select the site for the home.

Idem

(4) The home shall be vested in the board and it shall have charge thereof. 1955, c. 30, s. 7.

Superin-
tendent,
appoint-
ment

8.—(1) The council of a municipality that establishes and maintains a home, or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Lieutenant Governor in Council, appoint a superintendent therefor.

(2) The council of a municipality that establishes and maintains a home, or the councils of the municipalities that establish and maintain a joint home or the board of management of a home may appoint such staff as the superintendent requires for the carrying out of his duties. 1955, c. 30, s. 8.

Staff
appoint-
ment

9.—(1) A building shall not be acquired, erected or altered for use as a home or joint home until the site and plans therefor have been approved by the Minister.

Site and
plans, etc.,
to be
approved

(2) There shall be no change in site and no sale or disposal of any part thereof and no alteration to or in any building or to the grounds of the home or joint home without the approval of the Minister. 1958, c. 38, s. 2.

Idem

10.—(1) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home may enter into an agreement with the council of any municipality for connecting the home or joint home with the sewerage system of such municipality.

Agreement
for con-
necting
sewerage
system

(2) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home may enter into an agreement with The Hydro-Electric Power Commission of Ontario or with the council of any municipality or person owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home or joint home.

Agreement
for supply-
ing electric
power or
water

(3) For the purpose of connecting such home or joint home with any such system or works, any lands or highways may be entered upon, passed over or dug up, sewers constructed, pipes laid down, poles or wires put in place and all work done in or upon such lands and highways as may be necessary, due compensation being made to the owners thereof as provided by *The Municipal Act*. 1955, c. 30, s. 10.

Power to
carry
necessary
works over
intervening
lands

R.S.O. 1960,
c. 249

11. Subject to the approval of the Ontario Municipal Board and without the assent of the electors, a municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or for the erection of buildings for a home or joint home, or for the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 10. 1955, c. 30, s. 11.

Debentures

Equipment,
etc., for
handicrafts

12.—(1) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home shall provide such equipment and materials as will enable the residents of the home or joint home to engage in handicrafts and other such occupations.

Residents
encouraged
to work

(2) Upon certification by a legally qualified medical practitioner that a resident of a home or joint home is physically able to engage in household, farm or other work, in or about the home or joint home, the superintendent thereof shall encourage the resident to engage in such work. 1955, c. 30, s. 12.

Who may be
admitted

13. Any person,

R.S.O. 1960,
c. 236

- (a) who is over the age of sixty years and incapable of supporting himself or unable to care properly for himself;
- (b) who is mentally incompetent and ineligible for committal to an institution under *The Mental Hospitals Act* and who requires care, supervision and control for his protection;
- (c) who is over the age of sixty years and who is confined to bed but does not require care in a public hospital or hospital for incurables; or
- (d) who is under the age of sixty years who because of special circumstances cannot be cared for adequately elsewhere, if his admission is approved by the Minister,

may be admitted to a home or joint home by the superintendent thereof upon receipt of,

- (e) an authorization in the prescribed form signed by the head of the council of a city, town, village or township, or in a county in which the county council has designated the warden to sign such authorizations, by the warden, or in a city having a population of not less than 100,000, by such member of the council as the mayor has designated, or where the person resides in unorganized territory, by the provincial welfare administrator of the territorial district;
- (f) an application in the prescribed form signed by the applicant;
- (g) a consent to inspect assets in the prescribed form signed by the applicant;

- (h) a statement of particulars in the prescribed form signed by the welfare officer of the municipality or territorial district; and
- (i) a statement in the prescribed form signed by a legally qualified medical practitioner designated by the municipality or municipalities having the home or participating in the joint home or by the board of a home as the physician for the home or joint home. 1955, c. 30, s. 13.

14.—(1) A magistrate may, by writing under his hand, commit any person who is over sixty years of age and who is unable to care properly for himself to a home or joint home, and where a person is so committed, the magistrate shall determine the municipality in which the person is resident and ensure that the statement mentioned in clause *i* of section 13 has been completed. Committal
by magis-
trate

(2) If, in his opinion, it is in the interest of the welfare of the person, any magistrate may, by writing under his hand, rescind any order made under subsection 1. 1955, c. 30, s. 14. Committal
order may
be
rescinded

15.—(1) Upon the recommendation of the superintendent, any resident of a home or joint home or any person admissible to a home or joint home may, in lieu of being maintained in the home or joint home, be placed in special-home care. 1955, c. 30, s. 15 (1). Special-
home care

(2) Where a person is placed in special-home care, the Treasurer of Ontario shall pay monthly out of the moneys appropriated therefor by the Legislature to the municipality or to the treasurer of the home or joint home, as the case may be, an amount comprising the percentage of the cost thereof prescribed in the regulations, to be computed in the manner prescribed by the regulations. 1958, c. 38, s. 3. Province
to share
cost

(3) A person placed in special-home care may be transferred to the home or joint home at any time. Person
may be
transferred

(4) A person placed in special-home care shall for all other purposes be deemed to be a resident of the home or joint home. Person
considered
a resident
of the home

(5) The council of a city not having a home and not participating in a joint home may appoint one or more persons to administer this section for the city until such time as it has a home or participates in a joint home. 1955, c. 30, s. 15 (3-5). In cities
without
homes

16.—(1) For the purposes of this Act, an applicant for admission to a home or joint home shall be deemed to be a resident of the municipality in which he last resided for a period of twelve consecutive months. Residence

Idem

(2) In determining residence under subsection 1, any period of time during which the applicant was an inmate of or resident in a hospital, nursing home, charitable institution or institution for custodial, medical or other care shall not be counted. 1955, c. 30, s. 16.

Affidavits

17. A public welfare administrator or public welfare commissioner of a county, city, separated town, township, village or township, or any of his assistants authorized by the municipal council, and a district welfare administrator or district welfare supervisor of the Department of Public Welfare and any other employee of the Department of Public Welfare designated by the Minister under this Act has power to take affidavits and statutory declarations for the purpose of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario. 1957, c. 45, s. 2.

Reimbursement for maintenance costs

18.—(1) A resident of a home or joint home having financial circumstances as prescribed in the regulations shall reimburse the authority responsible for the payment of the cost of his maintenance. 1960, c. 46, s. 1.

Recovery of maintenance costs

(2) A municipality having a home or participating in a joint home or having an agreement under section 5 or the board of a home may recover in a court of competent jurisdiction from a person who was or is a resident of the home or joint home or, in the event of his death, from his estate, all or any part of the cost of his maintenance that has not been paid under subsection 1. 1957, c. 45, s. 3.

Maintenance of homes in districts

19.—(1) The cost of maintaining a home established under section 4 shall be defrayed in each year by the municipalities in the territorial district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized. 1955, c. 30, s. 19 (1).

Assessment to be revised and equalized

(2) For the purposes of this Act, the assessor of a territorial district or, if there is no district assessor, the Department of Municipal Affairs shall before the 10th day of February in each year revise and equalize the assessment rolls of the municipalities in each territorial district. 1957, c. 45, s. 4 (1).

Estimates and apportionment

(3) The board of management shall in each year apportion the amount that it estimates will be required to defray its expenditures for that year among the municipalities in the district, and shall on or before the 25th day of February notify the clerk of each such municipality of the amount to be provided by that municipality. 1955, c. 30, s. 19 (2).

Levy and collection

(4) Each such municipality shall include the amount required to be provided by it under this section in its estimates

for the then current year and shall levy and collect the amount in like manner as taxes and pay the amount to the board of management on demand. 1955, c. 30, s. 19 (3); 1957, c. 45, s. 4 (2).

(5) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs before the 10th day of February, the board of management may apportion the amount that it estimates to be required in proportion to the amounts of their assessments according to their assessment rolls as returned, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed. 1955, c. 30, s. 19 (4). Where assessments not equalized in time

(6) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board of management may apportion the amount that it estimates to be required in proportion to the amounts of their assessment as revised and equalized, and in that case shall re-apportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court. 1957, c. 45, s. 4 (3). Where equalized assessment appealed

20.—(1) The cost of establishing a new home under section 4 in a district or of an addition to or extension of a home established under that section shall be defrayed by the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized. 1955, c. 30, s. 20 (1). Capital cost of homes in districts

(2) To assist in defraying the cost of establishing such new home or the addition to or extension of such existing home, the Lieutenant Governor in Council may direct payment out of the moneys appropriated therefor by the Legislature of such amount as he determines in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized parts of the territorial district in which the home is established. 1955, c. 30, s. 20 (2); 1956, c. 30, s. 3, *amended*. Provincial subsidy

(3) The board of management shall apportion the amount that it estimates will be required to establish the new home or the addition to or extension of the existing home among the municipalities in the district and shall notify the clerk of each such municipality of the amount to be provided by that municipality. Apportionment

(4) Each such municipality shall, within ninety days after receipt of the notice, determine the method it will use in raising the amount required to be provided by it, and shall Raising of funds

take such steps as are necessary to carry the determination into effect and shall raise the amount and pay it over to the board of management of the home. 1955, c. 30, s. 20 (3, 4).

Alternative
method of
raising
funds

21.—(1) The Ontario Municipal Board, upon the application of the council or one or more of the municipalities in the territorial district, may by order,

- (a) authorize one of the municipalities in the district to raise the whole amount required by the issue of its debentures; or
- (b) authorize two or more of the municipalities in the district to raise the whole amount required by the issue of their debentures in such amounts as the Ontario Municipal Board orders,

and thereupon the municipality or municipalities shall raise the whole amount required by the issue of debentures and shall pay the proceeds to the board of management of the home, and in such case subsection 4 of section 20 does not apply.

Apportion-
ment of
carrying
charges

(2) Where debentures are issued to provide the whole amount required as provided in subsection 1, the board of management shall in each year during the currency of the debentures apportion the amount that will be required in that year to pay the amounts of principal and interest on the debentures among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 19, and in such case subsections 3 and 4 of that section apply.

Distribution
of carrying
charges

(3) The board of management shall in each year distribute the moneys received under subsection 2 to the municipality that issued the debentures or, where two or more municipalities issued the debentures, to such municipalities in the same proportion as the amount raised by each such municipality bore to the total amount raised. 1955, c. 30, s. 21.

Capital
cost of
homes
established
or altered
before
April 1, 1954

22.—(1) Where before the 1st day of April, 1954, a new home under section 4 was established or an addition to or an extension of an existing home under that section was made, the board of management, upon the request expressed by resolutions of a majority of the councils of the municipalities in the territorial district, shall apply to the Ontario Municipal Board for an order providing that subsections 2 and 3 shall apply in respect of the cost incurred in respect of the new home or the addition or extension.

(2) Where the Ontario Municipal Board makes an order ^{Idem} under subsection 1,

- (a) the board of management shall determine the annual amount that would have been required to pay the annual amounts of principal and interest if debentures, payable in annual instalments with interest at 5 per cent per annum for a term of twenty years, had been issued by one municipality to finance the cost of the establishment and erection of the new home or the addition to or extension of the existing home; and
- (b) the board of management shall in each year during the remainder of the term of twenty years apportion the annual amount so determined among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 2 of section 19, and in such case subsections 3 and 4 of that section apply.

(3) The board of management shall in each year distribute ^{Distribution} the moneys received to the municipalities in the district that contributed to the cost of the new home or the addition or extension in the proportion that the contribution of each such municipality to the cost bore to the total of the contributions of all such municipalities to the cost. 1955, c. 30, s. 22.

23.—(1) When the Minister grants his approval under section 9 to the acquisition, erection or alteration of a building ^{Provincial subsidy on capital expenditures} for use as a home or joint home, or to an alteration to or in any building or to the grounds of the home or joint home or when the home or joint home incurs such other capital expenditures as are prescribed in the regulations, the Lieutenant Governor in Council may direct payment out of moneys appropriated therefor by the Legislature of an amount to be computed in accordance with the regulations not exceeding 50 per cent of the cost thereof to the treasurer of the home or joint home. 1958, c. 38, s. 4 (1), *part*; 1960, c. 46, s. 2.

(2) Payments under subsection 1 in respect of a new building or the alteration of a building by an addition or extension ^{When payable} may be made either when the building or alteration is completed and ready for occupancy or from time to time during the construction thereof in the manner prescribed by the regulations. 1958, c. 38, s. 4 (1), *part*.

What to be included and excluded in computing cost

(3) In computing the amount of the cost of the new building, or the alteration of a building by an addition or extension for the purposes of subsection 1, the cost of equipment and furnishings may be included, but the cost of any land in excess of fifteen acres and the cost of any barns or other similar out-buildings shall not be included. 1955, c. 30, s. 23 (3); 1958, c. 38, s. 4 (2).

Provincial subsidy on operating costs

24. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount equal to the percentage prescribed in the regulations of any operating or maintenance cost of the home or joint home computed in the manner prescribed in the regulations. 1958, c. 38, s. 5, *part*.

Provincial subsidy for residents of unorganized territory

25. There shall be paid monthly out of the moneys appropriated therefor by the Legislature to the treasurer of every home and joint home an amount per day computed in the manner prescribed in the regulations as the cost of maintenance for each person in the home or joint home whose residence before admission to the home or joint home was in territory without municipal organization. 1958, c. 38, s. 5, *part*.

Regulations

26.—(1) The Lieutenant Governor in Council may make regulations,

- (a) governing the qualifications of superintendents and members of staffs of homes and joint homes and prescribing their powers and duties;
- (b) prescribing rules governing homes and joint homes, the residents therein and the staffs thereof;
- (c) prescribing the records that shall be kept under this Act and the returns that shall be made to the Minister;
- (d) designating the medical services that shall be provided for residents of homes and joint homes;
- (e) prescribing the financial circumstances of residents of homes or joint homes for the purposes of subsection 1 of section 18;
- (f) prescribing the percentage of any operating or maintenance cost of homes and joint homes that will be paid by the Province under section 24;
- (g) prescribing the manner of computing the operating and maintenance costs of homes and joint homes for the purposes of section 24;

- (h) prescribing the manner of computing the proportion of the cost of construction of homes in territorial districts that shall be allocated to the unorganized parts of the districts;
- (i) prescribing capital expenditures and the manner of computing the amount of grants for the purposes of subsection 1 of section 23 and the method, time and manner of payment under subsection 2 of section 23;
- (j) providing for the admission to homes and joint homes of residents of unorganized territory and prescribing the manner of computing the cost of maintenance of such persons in such homes;
- (k) prescribing the conditions that shall be maintained in private residences in which persons may be placed for special-home care;
- (l) providing for the inspection of private residences in which persons may be placed for special-home care;
- (m) prescribing the percentage of any cost of maintenance of persons placed in special-home care to be paid by the Province and the method, time and manner of payment;
- (n) prescribing the manner of computing the cost of maintenance of persons placed in special-home care for the purposes of section 15;
- (o) prescribing forms and providing for their use;
- (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1955, c. 30, s. 26; 1958, c. 38, s. 6 (1-3); 1960, c. 46, s. 3.

(2) The Lieutenant Governor in Council may divide any territorial district into two parts for the purposes of this Act, in which event each of such parts shall be deemed to constitute a territorial district for the purposes of this Act. 1958, c. 38, s. 6 (4).

Division of
territorial
districts
