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c 168 Homes for the Aged Act

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CHAPTER 168

The Homes for the Aged Act**1. In this Act,**

Interpretation.

- (a) "Minister" means Minister of Public Welfare;
- (b) "district" means territorial district;
- (c) "municipality" means city, county or separated town, but in a territorial district municipality means city, town, village or township;
- (d) "board" means board of management. 1949, c. 41, s. 1.

2.—(1) Except as otherwise provided, every municipality not in a district shall establish, erect and maintain to the satisfaction of the Minister, a home for the aged. Homes in counties, etc.

(2) In lieu of establishing separate homes for the aged, the councils of two or three contiguous municipalities not in a district may, with the approval in writing of the Minister, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged. Joint homes. 1949, c. 41, s. 2.

3.—(1) When a by-law authorizing the same has been passed in a majority of the municipalities in any district, a home for the aged shall be established, erected and maintained by all the municipalities in the district. Homes in districts.

(2) When by-laws authorizing the same have been passed in a majority of the municipalities in two or more contiguous districts a joint home for the aged may be established, erected and maintained by all the municipalities in such contiguous districts. Joint homes.

(3) When by-laws under this section have been passed, certified copies thereof shall be transmitted forthwith to the Minister. Transmission of by-laws.

(4) The Lieutenant-Governor in Council may appoint a board which shall be a corporation and which shall consist of five persons resident in the district, and in the case of contiguous districts agreeing to join in a joint home for the aged How composed.

the board shall consist of three persons resident in each of the districts.

Site for home.

(5) The board shall select the site for the home for the aged.

Powers of board.

(6) The board shall have charge of the home for the aged. 1949, c. 41, s. 3.

Site and plans, approval of;

4.—(1) A home for the aged shall not be erected until the site and plans of the building have been approved by the Minister.

not to be changed.

(2) There shall be no change in site and no sale or disposal of any portion thereof and no structural alteration in the building without the approval of the Minister. 1949, c. 41, s. 4.

Agreements with contiguous municipalities for care of persons.

5. Notwithstanding sections 2 and 3 the council of any municipality not having a home for the aged or a joint home for the aged may, with the approval of the Minister, enter into an agreement with the council of any municipality having a home for the aged or the councils of any municipalities having a joint home for the aged or the board of any home for the aged in a district, respecting the admission thereto and the maintenance therein of residents of the municipality coming within the classes of persons mentioned in section 11. 1949, c. 41, s. 5.

Appointment of superintendents.

6.—(1) The council of a municipality that establishes, erects and maintains a home for the aged shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.

Idem.

(2) Where a joint home for the aged is established, erected and maintained, or where a home for the aged is established, erected and maintained in a district, the board shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.

Appointment of staff.

(3) The council of the municipality having a home for the aged or the board of a home for the aged in a district shall appoint such staff as the superintendent may require for the due carrying out of his duties. 1949, c. 41, s. 6.

Agreements for extending sewerage system to homes for the aged.

7.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements with the council of any municipality for connecting the home for the aged with the sewerage system of such municipality.

(2) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements 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 for the aged.

Contracts for supplying water, electric light and power.

(3) For the purpose of connecting such home for the aged 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*.

Power to carry necessary works over intervening lands.

Rev. Stat., c. 243.

(4) Where two or more municipalities have established a joint home for the aged, they shall have, in respect of such home, all the powers conferred by this section upon the council of a municipality or board. 1949, c. 41, s. 7.

Powers of municipalities, acting jointly.

8. Subject to the approval of the Ontario Municipal Board and without the assent of the electors, any 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 for the aged, 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 7. 1949, c. 41, s. 8; 1950, c. 79, s. 9 (1).

Debentures.

9.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district shall provide such equipment and materials as will enable the residents of the home for the aged to engage in handicrafts and other such occupations.

Equipment, etc.

(2) Upon a legally qualified medical practitioner certifying that any resident of a home for the aged is physically able to engage in household, farm or other work in or about the home for the aged, the superintendent thereof may encourage the resident to engage in such work.

Work.

(3) Any 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 for the aged.

Committal to home by magistrate.

(4) Any person coming within any of the classes mentioned in section 11 may be admitted to a home for the aged by the superintendent upon receipt of,

Requirement for admission.

- (a) an authorization in the prescribed form signed by the head of a municipality, or, where there is a welfare unit, by the administrator, or, in a district where there is no welfare unit and where the person resides in unorganized territory, by the provincial welfare administrator of the district;
- (b) an application in the prescribed form, signed by the person to be admitted;
- (c) a statement in the prescribed form, signed by the welfare officer of the municipality or district; and
- (d) a statement in the prescribed form, signed by a legally qualified medical practitioner designated by the municipality having the home for the aged or board of a home for the aged in a district, as the physician for the home for the aged. 1949, c. 41, s. 9.

Reimburse-
ment for
maintenance
cost.

10.—(1) An applicant for admission to a home for the aged or a resident therein or any person on his behalf may reimburse the municipality or the board, if the home for the aged is in a district, in whole or in part for his maintenance.

Recovery of
maintenance
cost.

(2) Any municipality having a home for the aged or the board of a home for the aged in a district shall be entitled to recover out of the estate of any deceased resident of the home, as a debt due by the resident to such municipality or board, the net cost of the maintenance of the resident while he resided in the home. 1949, c. 41, s. 10.

Who may be
admitted.

11. The classes of persons who may be admitted to a home for the aged shall be,

- (a) anyone over the age of sixty years who is incapable of supporting himself, or unable to care properly for himself;
- (b) anyone who is mentally incompetent and ineligible for committal to an institution under *The Mental Hospitals Act*, who requires care, supervision and control for his protection;
- (c) anyone over the age of sixty years who is confined to bed but does not require care in a public hospital or hospital for incurables; or
- (d) anyone under the age of sixty years who because of special circumstances cannot be cared for adequately elsewhere when his admission has been approved by the Minister. 1949, c. 41, s. 11.

Rev. Stat.,
c. 229.

12.—(1) For the purposes of this Act an applicant for admission to a home for the aged shall be deemed to be a resident of a municipality if he has resided therein for a period of twelve consecutive months. Residence.

(2) If for any cause a person was deprived of his liberty the period of detention shall not be counted in determining the period of residence under subsection 1. Idem.

(3) If a person was absent due to seasonal employment for a period of not more than six months in any year, that period shall not be counted in determining the period of residence under subsection 1. 1949, c. 41, s. 12. Idem.

13.—(1) The cost of establishing, erecting and maintaining a home for the aged in a district shall be defrayed by the municipalities in the district in proportion to the amount of their assessments according to the last revised assessment rolls. Cost of homes in districts.

(2) The Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund of such amount to defray the cost of establishing and erecting a home for the aged in a district as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the district. Provincial subsidy.

(3) The board shall apportion the amount that it estimates will be required to establish and erect a new home for the aged or an addition to or extension of an existing home for the aged among the municipalities in the district and notify the clerk of each such municipality of the amount to be provided and each such municipality shall raise the sum so required to be provided. Raising of estimated amounts.

(4) The board shall in each year apportion the amount that it estimates will be required to defray the expenditures for that year among the municipalities in the district, and shall on or before the 31st day of January notify the clerk of each such municipality of the amount to be provided and each such municipality shall include the amount in its estimates for the then current year and levy and collect the amount in like manner as taxes are levied and collected and shall pay the amount to the board on demand. 1949, c. 41, s. 13. General operating expenses.

14.—(1) When the Minister has approved the plans for a new building to be used as a home for the aged or for an addition to or an extension of an existing home for the aged, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the municipality or Provincial subsidy on new buildings, etc.

board, as the case may be, responsible for the home, of an amount not exceeding fifty per cent of the cost thereof to the municipality, or the municipalities in the district.

When payable.

(2) Payments under subsection 1 may be made either when the home for the aged or the addition or extension is completed and ready for occupancy or from time to time during the construction thereof as may be deemed expedient. 1949, c. 41, s. 14.

Provincial subsidy on operating costs, in counties;

15.—(1) There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged an amount equal to one-half the amount paid out by the municipality for the operation and maintenance of the home computed in the manner prescribed by the regulations, except that any amount otherwise payable to a county under this subsection shall be paid to each municipality forming part of the county in the proportion that the equalized assessment of the municipality bears to the total equalized assessment of the county.

in districts.

(2) There shall be paid out of such moneys as may be voted therefor by the Legislature to the municipalities in a district that has a home for the aged an amount equal to one-half the amount paid out by the board having charge of the home for its operation and maintenance computed in the manner prescribed by the regulations, and the amount that shall be paid to each municipality shall be in the same proportion as the contributions of the municipality to the home bears to the total of the contributions made by all municipalities in the district. 1950, c. 79, s. 9 (2).

Provincial subsidy for residents of unorganized territory.

16. There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged and every board of a home for the aged in a district an amount per day computed in the manner prescribed by the regulations as the cost of maintenance for each person whose residence before admission to the home for the aged was in unorganized territory. 1949, c. 41, s. 16.

Regulations.

17. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the manner of establishing boards;
- (b) governing the qualifications of superintendents and members of staffs of homes for the aged and prescribing their powers and duties;
- (c) prescribing rules governing homes for the aged, the residents therein and the staffs thereof;

- (d) prescribing the records that shall be kept under this Act and prescribing the returns that shall be made to the Minister;
 - (e) designating the medical services that shall be provided – for residents of homes for the aged;
 - (f) prescribing the manner of computing the cost of maintenance of homes for the aged;
 - (g) prescribing the manner of computing the proportion of the cost of construction of homes for the aged in districts which shall be allocated to the unorganized portions of the districts;
 - (h) providing for the admission to homes for the aged of residents of unorganized territory and prescribing the manner of computing the cost of maintenance of such persons in homes for the aged;
 - (i) prescribing the forms to be used under this Act;
 - (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1949, c. 41, s. 17.
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