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c 357 Sanatoria for Consumptives Act

Ontario

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CHAPTER 357.

The Sanatoria for Consumptives Act.

1. In this Act,—Interpreta-
tion.

“Board” shall mean the corporation mentioned in sub-
section 1 of section 9. R.S.O. 1914, c. 298, s. 2.

“Board.”

2. Subject to the provisions of this Act, the corporation of any municipality or the corporation of any two or more municipalities may establish a sanatorium for the treatment of consumptives, and may for that purpose acquire land or interests therein and erect and equip buildings and other improvements thereon, and do such other things as may be necessary to complete, maintain and operate such sanatorium and carry out the objects and requirements of this Act. R.S.O. 1914, c. 298, s. 3.

Establishment
of sanatoria
by muni-
cipalities.

3. The corporation of any municipality may procure or join another or others in procuring plans of buildings and improvements for a sanatorium and estimates of the cost, including that of the proposed site, and such other information as may seem desirable, and the corporations of any two or more municipalities may confer by such representatives as their councils may appoint, with a view to agreeing upon a basis for establishing a joint sanatorium, and may enter into a provisional agreement respecting the same. R.S.O. 1914, c. 298, s. 4.

Joint action
by two or
more muni-
cipalities.

4. If the corporation of one municipality only is establishing the sanatorium, a provisional by-law respecting the same shall be passed. R.S.O. 1914, c. 298, s. 5.

Provisional
by-law.

5.—(1) The plans and estimates, and the provisional by-law or provisional agreement, as the case may be, and the proposed site, which may be anywhere within Ontario, shall be submitted to the Provincial Secretary who shall refer the same to the Department of Health for report.

Reference of
plans, site,
etc., to
Dept. of
Health.

(2) Upon receiving the report the Provincial Secretary may approve of the plans, estimates, provisional by-law or agreement, as the case may be, and the site, subject to such modifications and alterations, if any, as he may think best.

Approval by
Provincial
Secretary.

Where site not in either municipality.

(3) If the proposed site is not within the municipality or one of the municipalities, the Provincial Secretary shall, before approving of the site, transmit by post to the head of the municipality in which it is situate, notice of the application. R.S.O. 1914, c. 298, s. 6.

By-laws for raising necessary funds.

6. Upon the approval of the Provincial Secretary being given, the council of the municipality, or of each of the municipalities concerned, as the case may be, may pass by-laws for raising the money proposed to be paid or contributed by the corporation of such municipality in respect of the original cost of the sanatorium or the cost of extensions, alterations and additions, and may issue debentures therefor. R.S.O. 1914, c. 298, s. 7.

By-laws for establishment of sanatoria.

7.—(1) Upon the by-law or by-laws being passed, the corporation or corporations concerned may pass by-laws to establish the sanatorium or to enter into the agreement to establish a joint sanatorium, as the case may be, in accordance with the approval given by the Provincial Secretary.

Approval of extensions, etc., by Provincial Secretary.

(2) Upon by-laws being passed for raising the money proposed to be paid or contributed in respect of the cost of extensions, alterations and additions, the approval by the Provincial Secretary of the plans thereof shall be obtained in the same way as provided by section 5, and upon such approval being given, the extensions, additions and alterations may be proceeded with by the corporation or corporations concerned. R.S.O. 1914, c. 298, s. 8.

Board of trustees.

8.—(1) The by-law or agreement establishing a sanatorium or a joint sanatorium shall provide for the appointment of a board of not less than five trustees to take charge of and manage the same.

Qualification.

(2) The qualifications and term of office, which shall not exceed five years, the quorum of the trustees, and the manner of appointing their successors and of filling vacancies, shall be provided for in the by-law or agreement; and the trustees shall hold office until their successors are appointed.

Proportion of yearly cost.

(3) The agreement for a joint sanatorium shall state the proportion of the yearly cost of maintenance, operation and repairs to be borne by the corporation of each municipality.

Terms of admission.

(4) The by-law or agreement may also define the terms and conditions on which patients may be admitted into the sanatorium, and contain such other particulars as may be deemed proper. R.S.O. 1914, c. 298, s. 9.

Name of corporation.

9.—(1) The trustees and their successors shall be a corporation under the name of "The Trustees of (*naming the sanatorium*)."

(2) In addition to the powers and duties conferred by this Act, the trustees shall have such powers and duties, not inconsistent with this Act, as may be conferred or imposed upon them by the by-law or agreement, or by any future by-law or agreement passed or entered into by or with the municipal corporation or corporations with the approval of the Provincial Secretary. R.S.O. 1914, c. 298, s. 10.

Powers and duties.

10.—(1) The trustees shall elect yearly one of their number to be chairman of the board, to hold office for one year and thereafter until his successor as chairman is elected; and a vice-chairman may also be similarly elected.

Chairman and vice-chairman.

(2) The board shall appoint a secretary. R.S.O. 1914, c. 298, s. 11.

Secretary.

11.—(1) The property acquired for the sanatorium shall be conveyed to and vested in the board for the uses and purposes thereof.

Property vested in trustees.

(2) The board may, without the consent of the owner thereof or any person interested therein, enter upon, take, use and expropriate all such land as the board may deem necessary for the purposes of the sanatorium, making due compensation therefor to the owner or occupier thereof, and all persons having any interest therein.

Power to expropriate land for sanatorium.

(3) If such land is required for the purpose of enlarging or otherwise improving an existing sanatorium, the powers conferred by subsection 2 shall not be exercised unless the Inspector of Prisons and Public Charities reports that it is necessary for the purpose of the sanatorium and approves of the plans and improvements for which the land is required, and his report is approved by the Lieutenant-Governor in Council.

When approval of Lieut.-Governor in Council required.

(4) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor, and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by subsection 2; and when any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the board or at his office, as the case may be. R.S.O. 1914, c. 298, s. 12.

Application of Rev. Stat. c. 233.

12. The board shall, subject to the terms of the by-laws or agreements relating thereto, and to regulations made by the Lieutenant-Governor in Council, have the control and management of the erection of the buildings and improvements and of the operation and maintenance of the sanatorium and of all matters and things connected therewith or relating thereto, and may make rules respecting the same,

Property etc. to be under control of trustees.

not inconsistent with the terms of the said by-laws or agreements or of this Act, or with the regulations of the Lieutenant-Governor in Council. R.S.O. 1914, c. 298, s. 13.

Regulations
by Lieutenant-
Governor in
Council.

13. The Lieutenant-Governor in Council may make regulations respecting the inspection and management of the sanatorium; and such regulations shall take effect and be complied with, notwithstanding the terms of any regulation of the board, which, so far as inconsistent with those made by the Lieutenant-Governor in Council, shall be inoperative. R.S.O. 1914, c. 298, s. 14.

Provincial
aid towards
establishment.

14. The Lieutenant-Governor in Council may, out of the Consolidated Revenue Fund, grant to the board a sum equal to one-fifth of the value, as reported by the Inspector of Prisons and Public Charities, of the site, buildings, improvements and equipment, extensions, additions and alterations, not exceeding with respect to any one sanatorium \$4,000 in all. R.S.O. 1914, c. 298, s. 15.

Provincial
aid towards
maintenance.

15.—(1) The Lieutenant-Governor in Council may, out of any money appropriated by this Legislature for the purpose, pay to the board, towards the maintenance and treatment of patients, for each patient for whose maintenance not more than \$1.25 per day is contributed and who was prior to admission a resident of Ontario, a per diem rate fixed from time to time by the Lieutenant-Governor in Council, upon the basis of the number of days actual treatment and stay of each patient admitted to or being within the sanatorium. R.S.O. 1914, c. 298, s. 16 (1); 1917, c. 27, s. 56 (1); 1919, c. 83, s. 13.

Municipal
aid.

(2) The treasurer of any municipality, which has not established, or which is not a party to an agreement under which a joint sanatorium is established, by which patients admitted from such municipality to a sanatorium are to be maintained, shall out of the money of the corporation pay to the board such sum, not exceeding \$1.50 per day, as may be required by the trustees for the maintenance and treatment of each indigent patient who was resident in the municipality at the time of admission. R.S.O. 1914, c. 298, s. 16 (2); 1920, c. 109, s. 2.

Provision for
residue of
yearly
maintenance.

16.—(1) The corporation or corporations establishing a sanatorium or joint sanatorium shall, with the yearly rates and in the proportions provided for in the agreement, levy the money required to meet the residue of the cost of the maintenance, operation and repair of the sanatorium for the year and pay over the same to the board.

In accordance
with by-law,
etc.

(2) Nothing in this section shall authorize the board to incur any liability or make any expenditure not authorized

by the by-law or agreement establishing the sanatorium, or by by-law or resolution of the councils of the municipalities concerned. R.S.O. 1914, c. 298, s. 17.

17. Nothing in this Act shall prevent a municipal corporation which has established a sanatorium from closing the same at any time, either temporarily or permanently. R.S.O. 1914, c. 298, s. 18. Closing, sanatorium.

18. If a sanatorium is closed for nine consecutive months, the Lieutenant-Governor in Council may make provision for the sale or other disposition of the sanatorium and the property thereof and for the application of the proceeds, and may make such other provisions relating thereto as he may deem proper. R.S.O. 1914, c. 298, s. 19. Disposal of same.

19. The property acquired for a sanatorium and vested in the board shall be exempt from all municipal or other taxation, including school rates or taxes. R.S.O. 1914, c. 298, s. 20. Exemption from taxation.

20. The board may accept from any person a donation of property, whether by will or otherwise, for the use of the sanatorium, and may apply the same in accordance with the terms of the donation. R.S.O. 1914, c. 298, s. 21. Accepting donations.

21.—(1) The corporation of any municipality or the corporations of any two or more municipalities may agree with any association duly incorporated for the establishment and maintenance by such association of a sanatorium for the treatment of consumptives and for contributing towards the cost and maintenance of any sanatorium heretofore established, or which may be hereafter established and of any extensions, alterations or additions thereto; and the councils thereof shall have similar powers to those conferred by this Act for procuring plans, estimates and other information and the basis for establishing any sanatorium and as to the location thereof, within or without the municipality, and may from time to time pass by-laws for raising the money, if any, proposed to be paid or contributed by the municipality in respect of the sanatorium and for the issue of debentures therefor. Agreement with an association for treatment of consumptives, etc.

(2) The plans, estimates, agreement and proposed site shall be submitted for the approval of the Provincial Secretary in a manner similar to that provided by sections 5 and 7, and upon such approval being given the agreement may be acted upon. Plans and estimates.

(3) The parties to such agreement may make such changes in or modifications thereof, as may be required by the Provincial Secretary as a condition of his approval. Modifications.

Application
of ss. 13,
14, 15 and 19.

(4) Sections 13, 14, 15 and 19 shall apply to a sanatorium established under this section and to the trustees of an association and to any sanatorium heretofore established or which may hereafter be established by such association. R.S.O. 1914, c. 298, s. 22.

Application
of Rev. Stat.
c. 359.

22. Sections 8, 9, 10, 11, 12, 15, 21 and 23 of *The Hospitals and Charitable Institutions Act* shall also apply to any sanatorium for consumptives. R.S.O. 1914, c. 298, s. 23.

Limitation
of charge
for indigent
patient.

23. No sanatorium shall charge against a municipal corporation for the maintenance of an indigent patient a higher rate than \$1.50 per day. 1917, c. 27, s. 56 (3); 1920, c. 109, s. 3.

Sanatorium
not to refuse
patients.

24. A sanatorium receiving aid from the Province shall not refuse to admit and care for a patient having tubercular disease. 1926, c. 72, s. 2.
