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c 409 Public Health Act

Ontario

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CHAPTER 409

Public Health Act

1. In this Act,

(a) "communicable disease" means smallpox, diphtheria, typhoid fever, rabies, tuberculosis and any other disease designated by the regulations as a communicable disease;

(b) "Deputy Minister" means the Deputy Minister of Health;

(c) "food and dairy inspector" means a food and dairy inspector appointed under this Act;

(d) "full-time public health services" means the public health services provided by medical officers of health, public health nurses or public health inspectors who are employed full-time by the Ministry, a municipality or the board of health of a health unit, and includes such other full-time public health services as the regulations prescribe;

(e) "health unit" means a health unit established under this Act;

(f) "house" or "household" includes a dwelling house, lodging house and hotel, and also includes a students' residence, fraternity house or other building in which any person in attendance as a student, pupil or teacher or employed in any capacity in or about a university, college, school or other institution of learning resides or is lodged;

(g) "householder" includes the proprietor, master, mistress, manager, housekeeper, janitor and caretaker of a house;

(h) "local board" means the local board of health for a municipality or of a health unit;

(i) "medical and dental inspection" means medical and dental inspection and dental treatment;
(j) "medical officer of health" means the medical officer of health of a municipality or of a health unit appointed under this Act or, in unorganized territory, a medical officer of health appointed by the Ministry for a specified area;

(k) "member of a household" means a person residing, boarding or lodging in a house;

(l) "milk" includes whole milk and such products of milk as are supplied, processed, distributed or sold in any form other than butter or cheese;

(m) "Minister" means the Minister of Health;

(n) "Ministry" means the Ministry of Health;

(o) "municipality" does not include a county;

(p) "occupier" means the person in occupation or having the charge, management or control of any premises, whether on his own account or as an agent;

(q) "owner" means the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if such land or premises were let;

(r) "pasteurization" means subjecting every particle of milk in such manner as is required by the regulations to a temperature and for a time prescribed by the regulations;

(s) "premises" means any land or any building, public or private, sailing, steam or other vessel, any vehicle, steam, electric or street railway car for the conveyancy of passengers or freight, any tent, van or other structure of any kind, any mine, or any stream, lake, drain, ditch or place, open, covered or enclosed, public or private, natural or artificial, and whether maintained under statutory authority or not;

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

(u) "street" includes any highway, any public bridge and any road, lane, footway, square, court, alley
or passage, whether a thoroughfare or not. R.S.O. 1970, c. 377, s. 1; 1972, c. 1, s. 1; 1974, c. 61, s. 1; 1975, c. 61, s. 1.

2. Where by this Act powers are conferred or duties imposed upon the Ministry, such powers may be exercised and duties discharged by the Minister. R.S.O. 1970, c. 377, s. 2; 1972, c. 1, s. 1.

3.—(1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments and in an appointment may limit the authority of an inspector in such manner as the Minister considers necessary or advisable.

(2) The Minister shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. 1974, c. 61, s. 2, part.

4.—(1) An inspector appointed under section 3 or employed by a local board may at all reasonable times enter any business premises that are licensed or registered or the owner, user or operator of which is licensed or registered under this Act or the regulations to ensure that the provisions of this Act or the regulations to which his appointment or employment extends are complied with. 1974, c. 61, s. 2, part.

(2) Where a justice of the peace is satisfied, upon an ex parte application by an inspector, public health inspector, medical officer of health, acting medical officer of health or associate medical officer of health, that there is reasonable ground for believing that it is necessary to enter any institution, building or place, including a private residence, for the administration of this Act or the regulations, the justice of the peace may, whether or not an inspection, examination, investigation or inquiry has been made or attempted under any other section or subsection, issue an order authorizing an inspector or other such officer, together with such police officer or officers as he calls upon to assist him and if necessary by force, to enter therein or thereon and to make or require to be made such examinations, investigations and inquiries as may be necessary for the administration of this Act and the regulations and to make, take and remove or require to be made, taken or removed such samples, copies or extracts as may be related to the examinations, investigations and inquiries, but
every such entry, examination, investigation, inquiry and making, taking and removing of samples, copies or extracts shall be carried out between sunrise and sunset unless the justice of the peace authorizes the inspector, or other such officer, by the order, to so act at night. 1974, c. 87, s. 1.

(3) Where a director or other officer of the Ministry having authority or power to issue licences or make registrations under any section of this Act or the regulations has reasonable and probable grounds to believe that any person is acting or that any institution, building or place other than a private dwelling is being used without being licensed or registered as required by this Act or the regulations, the director or other officer of the Ministry may direct any inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of any section of this Act or the regulations in respect of such licensing or registration.

(4) Upon an inspection under this section, the inspector may upon giving a receipt therefor remove any material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

(5) Any copy made as provided in subsection (3) and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as prima facie proof of the original.

(6) No person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection. 1974, c. 61, s. 2, part.

5.—(1) No action or other proceeding for damages shall be instituted against an inspector appointed under section 3 or a director or other officer of the Ministry having authority or power to issue licences or make registrations or to direct an inspector to make an inspection under any section of this Act or the regulations or anyone acting under the direction of such director or other officer of the Ministry or inspector appointed under section 3 for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.
(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the Proceedings Against the Crown Act, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. 1974, c. 61, s. 2, part.

6.—(1) The Lieutenant Governor in Council may appoint a legally qualified medical practitioner of at least five years standing to be Chief Inspector of Health.

(2) The Chief Inspector of Health may exercise, anywhere in Ontario, any of the powers conferred by this Act on medical officers of health, and he shall act under the direction of the Minister and shall perform such duties as are assigned to him by the Minister or by the Deputy Minister. R.S.O. 1970, c. 377, s. 3.

7. It is the duty of the Ministry and it has power,

(a) to make investigations and inquiries respecting the causes of disease and mortality in Ontario or in any part thereof;

(b) to advise the officers of the Government in regard to public health generally, and as to drainage, water supply, disposal of garbage and excreta, heating, ventilation and plumbing of premises;

(c) to exercise a careful oversight of vaccine matter and serum produced or offered for sale in Ontario, or manufacture the same if considered advisable, and as far as possible prevent its sale when found to be impure or inert, and ensure that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Ministry;

(d) to determine whether the existing condition of any premises or of any street or public place, or the method of manufacture or business process, or the disposal of sewage, trade or other waste, garbage or excrementitious matter is a nuisance or injurious to health;

(e) to inspect all correctional institutions, homes for the aged, sanitaria, hospitals, sanatoria, orphanages, homes or places or refuge, charitable institutions and other public or private institutions for the
safekeeping, custody or care of any person confined therein by process of law, or received or cared for therein at his own charges or by public or private charity, and ensure that such institutions are kept in a proper sanitary condition and that this Act and the regulations are complied with;

(f) to make public distribution of sanitary literature, especially during the prevalence in any part of Ontario of any communicable disease, and pay particular attention to all matters relating to the prevention and spread of communicable diseases in such manner as the Ministry considers best to control any outbreak;

(g) to enter into and go upon any premises in the exercise of any power or the performance of any duty under this Act, and make such orders and give such directions with regard to the structural alteration of the premises or with respect to any other matter as the Ministry considers advisable in the interests of the public health. R.S.O. 1970, c. 377, s. 4; 1972, c. 1, s. 1.

8.—(1) The Minister may direct an officer of the Ministry to investigate the causes of any communicable disease or mortality in any part of Ontario, and the person so directed may take evidence on oath or otherwise, as he considers expedient, and, for the purposes of such investigation, has the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the investigation as if it were an inquiry under that Act. R.S.O. 1970, c. 377, s. 5 (1); 1971, c. 49, s. 18; 1972, c. 1, s. 1.

(2) Where it appears to the Ministry that any unsanitary condition or nuisance exists in a municipality and that the local board has on a proper representation of the facts neglected or refused to take such measures as may remove such condition or abate such nuisance, the Minister may direct an investigation under subsection (1).

(3) If upon such investigation it is found that a remediable unsanitary condition or nuisance exists, the Ministry may direct its immediate removal or abatement by the person responsible therefor and, if such person neglects or refuses after three days notice by the Ministry to remove or abate the same, may cause such removal or abatement to be made, and the treasurer of the municipality shall forthwith pay out of any money of the municipality any expenses incurred under any such order.
(4) Where it appears to the Ministry to be in the interests of the public health, the Minister may appoint the medical officer of a Government institution a medical officer of health with duties confined to the institution and to the inmates and staff thereof. R.S.O. 1970, c. 377, s. 5 (2-4); 1972, c. 1, s. 1.

9. The Minister, with the approval of the Lieutenant Governor in Council, may make regulations for,

1. the prevention or mitigation of disease;

2. the frequent and effectual cleansing of streets, yards and premises;

3. the removal of nuisances and unsanitary conditions;

4. the cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof;

5. regulating, so far as the Legislature has jurisdiction in that behalf, the entry and departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels or from railway carriages or cars, and the receiving of passengers or cargoes on board the same, for the purpose of preventing the spread of any communicable disease;

6. the safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals. R.S.O. 1970, c. 377, s. 6, pars. 1-6.

7. the supplying of such medical aid, medicine and other articles and accommodations as the Ministry considers necessary for preventing or mitigating an outbreak of any communicable disease. R.S.O. 1970, c. 377, s. 6, par. 7; 1972, c. 1, s. 1.

8. designating any substance, other than insulin, for the control or treatment of diabetes and prescribing the terms and conditions upon which he may supply, or contribute towards the cost of supplying, free of charge to indigent persons under section 90 insulin or any designated substance, and the forms to be used in connection therewith, and requiring and providing for the payment by the municipality in which the indigent person resides of
a contribution towards the cost thereof in an amount not to exceed 25 per cent of such cost. R.S.O. 1970, c. 377, s. 6, par. 8.

9. the inspection of premises by the local board or medical officer of health, or an officer of the Ministry, and the cleansing, purifying and disinfecting of anything contained therein when required by the local board or officer, at the expense of the owner or occupier, and for detaining for such purpose any steamboat, vessel, railway carriage or car or public conveyance and anything contained therein and any person travelling thereby; R.S.O. 1970, c. 377, s. 6, par. 9; 1972, c. 1, s. 1.

10. entering and inspecting any premises used for human habitation in any locality in which conditions exist that, in the opinion of the Ministry, are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building that is, in the opinion of the Ministry, unfit for human habitation; R.S.O. 1970, c. 377, s. 6, par. 10; 1972, c. 1, s. 1.

11. preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises and the amount of air space to be allowed for each dweller therein;

12. preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another, and for detaining persons who or conveyances that have been exposed to infection for inspection or disinfection until the danger of infection is past;

13. requiring the vaccination, revaccination or quarantine of persons for the purposes of sections 96 and 97 and governing and regulating such vaccination, revaccination and quarantine, and classifying persons for the purposes thereof;

14. regulating the appointment of public health inspectors to be paid by the municipality in which they act for the purpose of enforcing this Act or the regulations, or any by-law in force in the municipality;

15. the removal or keeping under surveillance of persons living in infected localities;
16. authorizing the taking possession by a municipal corporation, local board or medical officer of health, for any of the purposes of this Act, of any land or unoccupied building;

17. the sanitary precautions to be taken in health resorts, summer resorts and upon boats or other vessels plying upon lakes, rivers, streams and other inland waters, and for preventing the pollution of such waters by the depositing therein of sewage, excreta, vegetable, animal or other matter or filth; R.S.O. 1970, c. 377, s. 6, pars. 11-17.

18. any other matter that, in the opinion of the Ministry, the general health of the inhabitants of Ontario or of any locality may require; R.S.O. 1970, c. 377, s. 6, par. 18; 1972, c. 1, s. 1.

19. authorizing local boards to establish, maintain and operate such facilities for community health services as are prescribed and governing their establishment, operation and use;

20. the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrups, wines and brewed beers;

21. the inspection and licensing of plants and premises for the manufacture of non-intoxicating beverages and distilled and mineral water, and the manufacture of syrups, wines and brewed beers;

22. prescribing the duties and powers of officers designated under section 16;

23. the medical and dental inspection and dental treatment of pupils in public, separate, and secondary schools, where such inspection and treatment is undertaken by local boards under this Act, and for the apportionment and payment of all moneys appropriated by the Legislature for that purpose;

24. prescribing the amounts, terms and conditions applicable to the payment of grants under section 25 or 26 and designating non-profit organizations or institutions for the purpose of section 26;

25. prescribing services in addition to those mentioned in clause 1 (d);
26. regulating the pasteurization of milk and prescribing the form and the conditions under which a certificate of approval may be issued to any plant in which milk is pasteurized or in which milk products are prepared; R.S.O. 1970, c. 377, s. 6, pars. 19-26.

27. prescribing the temperatures and times for the pasteurization of milk; 1975, c. 61, s. 2, part.

28. providing for courses of instruction and prescribing qualifications for medical officers of health, public health inspectors, food and dairy inspectors and public health nurses;

29. prescribing the duties of medical officers of health, public health inspectors, food and dairy inspectors and public health nurses, in relation to public health matters not specifically provided for by this Act;

30. defining industrial wiping rags and prescribing methods of processing or preparing such rags for use in industry, and regulating the sale or the offering for sale of such rags, and prohibiting the sale or the offering for sale of such rags that have not been processed or prepared as prescribed by the regulations;

31. governing, regulating and prohibiting the procurement, transportation, handling and sale of water for human consumption by tank truck or otherwise, and requiring the approval of the medical officer of health to the procurement, transportation, handling and sale of such water; R.S.O. 1970, c. 377, s. 6, pars. 27-30.

32. defining, regulating and licensing recreational camps, summer resorts and agricultural camps but not including premises commonly known as tourist camps, boarding houses or lodging houses; R.S.O. 1970, c. 377, s. 6, par. 31; 1974, c. 61, s. 3.

33. designating diseases as communicable diseases; 1975, c. 61, s. 2, part.

34. prescribing standards for the location, construction, alteration, repair and equipment of premises to be used as dwellings;
35. prescribing standards for the construction, operation and maintenance of premises used for public cold storage of food for human consumption and requiring licences for such premises and fixing an annual licence fee of not more than $5;

36. defining public swimming pools and governing and prohibiting the construction, alteration, repair, location, operation, maintenance and use of public swimming pools, and classifying public swimming pools and exempting any class from the requirements of any provision of the regulations, and requiring the installation and maintenance of safety equipment, attendance of qualified life guards and other staff, and other matters or things required for the safety or protection of bathers in public swimming pools;

37. prescribing the manner, method, times and conditions of payment of the grants to hospitals approved under the Public Hospitals Act for the establishment and operation of accommodation and facilities for the care and treatment of expectant mothers and infants;

38. prescribing standards for the construction, operation and maintenance of premises where food or drink for human consumption is manufactured, processed or handled;

39. regulating or restricting the manufacturing, processing, preparing, selling or offering for sale of any food or drink for human consumption; R.S.O. 1970, c. 377, s. 6, pars. 34-39; 1972, c. 80, s. 1 (1).

40. requiring persons who operate or are employed in premises where food or drink for human consumption is manufactured, processed or handled to comply with directions that may be issued by medical officers of health to undergo such medical or other tests as are necessary to ensure the sanitary handling of food and drink;

41. authorizing medical officers of health or public health inspectors for the purposes of this Act or the regulations to examine and take samples of food or drink, to examine or require the examination of equipment and utensils, to take samples from equip-
ment and utensils for laboratory examination, and to prescribe and test temperatures of food that is being processed, transported, stored, displayed or offered for sale;

42. authorizing medical officers of health to exempt persons, facilities or things from any provision of a regulation made under this section;

43. exempting any person, premises or class of either of them from any provision of a regulation made under this section; 1975, c. 61, s. 2, part.

44. providing for the payment of grants for the maintenance of isolation hospitals, the methods of determining the amounts of such grants and the manner and times of payment of such grants and for withholding such grants and making deductions therefrom;

45. designating institutions to which the Minister may make contributions toward the cost of the maintenance, treatment and special treatment of persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis and prescribing the methods of determining the amounts of contributions and the manner and times of payment thereof;

46. regulating, restricting or prohibiting the installation, use, movement, handling, maintenance, storage or disposal of sources of ionizing radiation; R.S.O. 1970, c. 377, s. 6, pars. 40-42.

47. governing, regulating and restricting the storage, collection and disposal of garbage and refuse in private premises and households; 1972, c. 80, s. 1(2).

48. designating hospitals, sanatoria and other institutions for the purpose of section 89, and prescribing and regulating the reports mentioned therein. R.S.O. 1970, c. 377, s. 6, par. 44.

10.—(1) In this section, “outdoor festival” means a festival for the assembly of more than 2,000 people out of doors for a period of at least twenty-four hours and for the provision of musical or theatrical entertainment thereat.
(2) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations,

(a) governing health and safety standards for the protection of persons attending outdoor festivals and of the public generally and requiring the provision of facilities and services for the purpose;

(b) requiring any person responsible for the health and safety standards at outdoor festivals to be bonded in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of bonds and the disposition of the proceeds;

(c) requiring the furnishing of such information or reports respecting outdoor festivals as are prescribed and authorizing an officer of the Ministry to require such additional information or reports as are considered necessary, and requiring any such information or reports to be verified by affidavit.

(3) Every person who contravenes any provision of the regulations made under this section is guilty of an offence and on conviction is liable to a fine of not more than $10,000. 1971, c. 95, s. 1; 1972, c. 1, s. 1.

11.—(1) Any regulation made under section 9 may be limited as to time or place or to both.

(2) Regulations heretofore made shall be deemed to be general in their application unless such application is inconsistent with the intent and purpose of such regulations. R.S.O. 1970, c. 377, s. 7.

12. In the event of conflict between,

(a) any regulation; and

(b) any by-law passed by a municipality or any by-law passed under section 157 by the board of health of a health unit,

the regulation prevails. R.S.O. 1970, c. 377, s. 8.

13. The Deputy Minister, the district officers of health, the provincial public health inspectors in unorganized areas, and any other officer of the Ministry specially authorized for the purpose, possess all the powers conferred upon a
medical officer of health and the officers of a local board by this Act or by the regulations. R.S.O. 1970, c. 377, s. 9; 1972, c. 1, s. 1.

14.—(1) The Lieutenant Governor in Council may divide Ontario for the purposes of this section into not more than ten health districts and may appoint a legally qualified medical practitioner to be known as the district officer of health for each such district.

(2) Every district officer of health shall be paid such salary as is fixed by the Lieutenant Governor in Council and his actual and necessary travelling and other expenses incurred in the discharge of his duties, and such salary and expenses are payable out of such sums as are appropriated by the Legislature for that purpose.

(3) Every district officer of health,

(a) is within his district the official representative of the Ministry and, subject to the approval of the Minister or the Deputy Minister, has general control of statutory organization for public health;

(b) for the promotion of public health and for the protection of the inhabitants from communicable disease, has authority, subject to the approval of the Minister, to enforce this Act and the regulations and is responsible through the local medical officer of health for the enforcement of this Act and the regulations; and

(c) has, for the further effective carrying out of this Act and the regulations, all the powers and rights and authority to perform all the functions and duties of the local medical officer of health or the public health inspector under this Act.

(4) Whenever required so to do by the Ministry, a district officer of health has the same authority and shall perform the same duties in any part of Ontario as he might do in the district for which he is appointed.

(5) Every district officer of health shall act under the supervision and control of the Ministry, and shall report to it at least monthly, and at such other times as are required, and shall in such report give such information as is required by the Ministry or by the regulations.
(6) The Ministry, every district officer of health and inspector, and every medical officer of health and public health inspector have authority to enforce the by-law set out in Schedule B, or any amendment thereof approved by the Ministry, and any by-law respecting the milk supply of, and any other by-law respecting sanitary matters in, a municipality, and for such purpose may institute proceedings for the prosecution of offenders against any of the said by-laws.

(7) A district officer of health may summon a special meeting of a local board for public health purposes.

(8) In territory without municipal organization, a district officer of health has the same rights and powers and shall perform the same duties as are conferred and imposed upon the local municipal councils, local boards and local medical officers of health in the administration and enforcement of this Act and the Venereal Diseases Prevention Act. R.S.O. 1970, c. 377, s. 10; 1972, c. 1, s. 1.

15. The Minister may establish and maintain clinical laboratory centres at such places and with such buildings, appliances and equipment as he considers proper and may give directions from time to time as to the operation of such laboratory centres, the nature and extent of the work to be done and the supplies necessary therefor, and the cost of establishing, furnishing and maintaining any clinical laboratory under this section shall be borne and paid out of such moneys as are appropriated by the Legislature for that purpose. R.S.O. 1970, c. 377, s. 11.

16. The Minister may designate which officers of the Ministry shall inspect and supervise the work of school medical officers, dental officers and nurses appointed by boards of education, school boards or local boards of health for the purpose of medical and dental inspection in public, separate, and secondary schools throughout Ontario, and such officers shall perform all duties required of them by the Ministry and by this Act, the Education Act, or any other Act or any regulations made thereunder with respect to such medical and dental inspection. R.S.O. 1970, c. 377, s. 12; 1972, c. 1, s. 1.

LOCAL BOARDS OF HEALTH

17.—(1) There shall be a local board of health for every municipality in Ontario, except where a health unit is established under this Act. R.S.O. 1970, c. 377, s. 13 (1).
in cities and towns of 4,000 or over

(2) In a city and in every town having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor and four resident ratepayers to be appointed annually by the council at its first meeting in every year. 1974, c. 61, s. 4, \textit{part}. \\

in cities over 100,000

(3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, or in a township situate within The Municipality of Metropolitan Toronto, the council may by by-law provide that the local board shall consist of the mayor and,

(a) six resident ratepayers, at least two of whom are not members of the council; or

(b) eight resident ratepayers, at least three of whom are not members of the council. 1974, c. 61, s. 4, \textit{part}; 1975, c. 61, s. 3.

appointment of resident ratepayers

(4) The resident ratepayers referred to in clauses (3) (a) and (b) shall be appointed annually by the council at its first meeting in every year. R.S.O. 1970, c. 377, s. 13 (4).

appointment of member of council

(5) One or more members of the council may be appointed to be members of the local board.

secretary

(6) The local board shall have a secretary, and, unless otherwise provided by the council, the clerk shall be the secretary.

where health unit established

(7) Where a health unit is established, the local board thereof shall be constituted and appointed as provided by the regulations, and such local board shall take the place of the local board or boards which but for the establishment of the health unit would exist in the municipality or municipalities forming the health unit. R.S.O. 1970, c. 377, s. 13 (7-9).

Corporate name

18. Every local board is a corporation by the name of "The Local Board of Health of the City (or as the case may be) of \textit{...........}" (inserting the name of the municipality). R.S.O. 1970, c. 377, s. 14.

Meetings

19.—(1) A local board shall hold at least four meetings in each year at a time and place to be fixed by resolution
of the board, and such other meetings as are prescribed by the regulations or required by the board.

(2) At the first meeting of a local board in every year, the board shall elect one of its members to be chairman. R.S.O. 1970, c. 377, s. 15.

20. Any member of a local board may call a special meeting thereof at any time by giving notice in writing to the other members of the board and to the secretary. R.S.O. 1970, c. 377, s. 16.

21. The clerk of the municipality shall report to the Ministry the names and addresses of the members of the local board in each year on or before the 1st day of February, and he shall so report any change occurring during the year in the membership of the board. R.S.O. 1970, c. 377, s. 17; 1972, c. 1, s. 1.

22. Whenever a vacancy occurs in a local board of a city or town by the death, resignation or removal of an appointed member, the council, at its first meeting after the vacancy occurs, shall appoint a resident ratepayer to fill the vacancy and, in default of such appointment, the Ministry may appoint a resident ratepayer of the municipality to fill the vacancy. R.S.O. 1970, c. 377, s. 18; 1972, c. 1, s. 1.

23. A majority of the members of a local board is a quorum. R.S.O. 1970, c. 377, s. 19.

24.—(1) The treasurer of the municipality shall forthwith upon demand pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or public health inspector in carrying out this Act or the regulations or in carrying out its functions under any other Act or the regulations thereunder, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer.

(2) Subsection (1) applies to payment of any expenditure incurred by a local board in providing medical and dental inspection of pupils in any school pursuant to section 132.

(3) The amounts of any payments made by the treasurer for the purposes mentioned in subsection (2) shall be levied
and collected by a special rate on the rateable property of the supporters of the school or schools for whose pupils medical and dental inspection is provided by the local board. R.S.O. 1970, c. 377, s. 20.

25. The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to the board of health of a municipality that provides full-time public health services. R.S.O. 1970, c. 377, s. 21.

26.—(1) In this section, “community health facility” means any building or place or any part of a building or place that is maintained, operated or used,

(a) for the diagnosis, treatment or rehabilitation of persons suffering from physical or mental disorders;

(b) for the prevention of physical or mental disorders; or

(c) by a local board performing its functions.

(2) The Minister may pay grants in such amounts and upon such terms and conditions as the regulations prescribe to a non-profit organization designated by the regulations, a municipality or a local board towards the cost of construction, alteration or additions to a community health facility.

(3) This section does not apply to a hospital, sanatorium or other institution of a class designated by the regulations. R.S.O. 1970, c. 377, s. 22.

27.—(1) The proceedings of every local board shall be recorded by the secretary in a book to be kept for that purpose.

(2) The secretary shall annually, on or before the 15th day of February, prepare a report of the work done by the board during the year and of the sanitary condition of the municipality.

(3) The report as adopted by the local board shall include the annual report of the medical officer of health and shall be transmitted to the Deputy Minister. R.S.O. 1970, c. 377, s. 23.

28. The secretary of every local board shall report weekly to the Ministry the number of cases of and deaths from communicable diseases, and the number of deaths
from all other causes occurring in the municipality during
the preceding week, upon a form to be supplied by the
Ministry. R.S.O. 1970, c. 377, s. 24; 1972, c. 1, s. 1.

29.—(1) Whenever a local board has authority to direct
that any matter or thing be done by a person, the board
may also, in default of its being done by the person,
direct that such matter or thing shall be done at the
expense of the person in default, and may recover the
expense thereof by action in any court of competent
jurisdiction, or the board may direct that the same be
added by the clerk of the municipality to the collector’s roll
and collected in like manner as municipal taxes.

(2) Where a local board in a municipality in which a
sewerage system has been established,

(a) recommends that sanitary conveniences or suitable
connections with water service should be installed
in any building; and

(b) is of the opinion that the owner of the premises
is unable or unwilling to pay the expense of
such installation at once,

the municipality may install suitable conveniences and
construct private drain connections required to connect such
sanitary conveniences with the common sewers of the
municipality, or may install a water service pipe with
the necessary connections to give a proper supply of water
to the premises at the expense of the owner.

(3) The municipality may direct that the cost of the
conveniences and connections mentioned in subsection (2),
including interest at a rate of not more than 6 per cent
on the deferred payments, be paid by the owner in equal
successive annual payments extending over a period of
not more than five years, and may direct that such
payments be added by the clerk of the municipality to
the collector’s roll and collected in like manner as municipal
taxes.

(4) A certificate from the clerk of the municipality
setting forth the cost of the conveniences and a description
of the lands upon which the same were installed shall be
registered in the proper land registry office against the lands on
proper proof by affidavit of the signature of the clerk, and, upon
payment in full of the cost of the conveniences, a like certificate
from the clerk shall be registered and thereupon the lands are freed
from all liability with reference thereto. R.S.O. 1970, c. 377,
s. 25.
30.—(1) Where an action is brought against a local board or any member, officer or employee of a local board by a person who has suffered damage by reason of any act or default on the part of the local board or any member, officer or employee thereof, the corporation of the municipality may assume the liability or the defence of the action and may pay any damages or costs for which the board or the member, officer or employee is liable in respect of such act or default.

(2) In this section, "employee" does not include a contractor with the local board. R.S.O. 1970, c. 377, s. 26.

31. It is the duty of a local board to superintend and ensure the carrying out of this Act and the regulations and any by-law of the municipality pertaining to public health, and to execute, do and provide all such acts, matters and things as are necessary for that purpose. R.S.O. 1970, c. 377, s. 27.

32. Where information is given in writing to the local board by a resident householder of the existence of a nuisance or unsanitary condition in the municipality, the local board shall forthwith cause the complaint to be investigated and all necessary steps to be taken as provided by this Act or by the regulations to abate or remedy the same. R.S.O. 1970, c. 377, s. 28.

33.—(1) Where a medical officer of health is of opinion that the disinfecting of a house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check any communicable disease, he shall, through the public health inspector or otherwise, at the cost and charge of the municipality, disinfect such house or part thereof and the articles therein contained.

(2) The disinfecting, renovating and cleansing of houses and premises shall be carried on in accordance with the regulations. R.S.O. 1970, c. 377, s. 29.

34. A local board may provide, maintain or hire an ambulance for the conveyance of persons requiring medical attention and may pay the expense of conveying therein any person requiring medical attention to a hospital or other place. R.S.O. 1970, c. 377, s. 30.

35. A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles that have become infected, and may cause such articles to be disinfected free of charge or may
make a reasonable charge for disinfecting them. R.S.O. 1970, c. 377, s. 31.

36. A local board may direct the destruction of any furniture, bedding, clothing or other articles that have been exposed to infection, and may give compensation therefor. R.S.O. 1970, c. 377, s. 32.

37. Where the order of a local board or medical officer of health involves an expenditure of more than $1,000, the person against whom the order is made or any person chargeable with such expenditure or any part thereof may, within four days after being served with a copy of the order, appeal therefrom to the judge of the county or district court who has power to vary or rescind the order, and any order so varied may be enforced by the Ministry in the same manner as an order originally made by the board or a medical officer of health. R.S.O. 1970, c. 377, s. 33; 1972, c. 1, s. 1.

38.—(1) Where a local board has not been established as required by this Act, or where a local board or any officer thereof has, in the opinion of the Minister, refused or neglected to act with sufficient promptness or efficiency in carrying out this Act or any order or regulation of the Ministry, or to take such efficient measures as might remove any unsanitary condition or abate any nuisance, the Minister may direct an officer of the Ministry to carry out such measures as are authorized by this Act or by any order or regulation made thereunder.

(2) The expenses so incurred shall be certified by the Minister and are a debt due by the corporation of the municipality and, upon presentation of such certificate, the treasurer of the municipality shall pay the same.

(3) The corporation of the municipality whose treasurer pays the expenses so incurred as provided by subsection (2) may recover the amount so paid by action in any court of competent jurisdiction against the person certified in writing by the Minister to have been in default, or the council of the municipality may direct the amount of the expenses to be added by the clerk of the municipality to the collector’s roll and collected from the person so certified to be in default in like manner as municipal taxes. R.S.O. 1970, c. 377, s. 34; 1972, c. 1, s. 1.

MEDICAL OFFICERS OF HEALTH

39.—(1) Every municipality that does not form part of a health unit shall provide such full-time public health services as the Minister may require.
(2) Where a municipality fails to provide full-time public health services as required by the Minister, the Minister may furnish or cause to be furnished the full-time public health services required, and the cost thereof shall be charged to the municipality. R.S.O. 1970, c. 377, s. 35 (1, 2).

(3) The council of every municipality that is not included in a health unit shall, subject to the approval of the Minister, appoint a legally qualified medical practitioner to be medical officer of health for the municipality. 1972, c. 80, s. 2.

(4) Where a vacancy occurs in the office of medical officer of health or the medical officer of health is ill or absent from the municipality for a protracted period, the council of the municipality, with the approval of the Minister, may appoint an acting medical officer of health and such acting medical officer of health, during the vacancy or the illness or absence of the medical officer of health, has all the powers and shall perform all the duties of the medical officer of health.

(5) The council of a municipality, with the approval of the Minister, may appoint one or more associate medical officers of health who shall act under the direction of the medical officer of health, and while so acting an associate medical officer of health has all the powers and shall perform the same duties as a medical officer of health. R.S.O. 1970, c. 377, s. 35 (3, 4).

(6) Where a vacancy occurs in the office of medical officer of health or the medical officer of health is ill or absent from the municipality and an acting medical officer of health is not appointed, an associate medical officer of health during the vacancy or the illness or absence of the medical officer of health has all the powers and may perform all the duties of the medical officer of health. 1975, c. 61, s. 4.

(7) The council of a municipality or a local board may appoint one or more food and dairy inspectors, one or more public health nurses, and one or more legally qualified physicians and engage such other services as are, in the opinion of the council or local board, required for carrying out this or any other Act administered by the Ministry or the regulations made thereunder for the prevention or treatment of disease. R.S.O. 1970, c. 377, s. 35 (5); 1972, c. 1, s. 1.
(8) The council of a town, township or village, or the local board thereof, may unite with the council or councils or boards of health of one or more neighbouring municipalities for the purpose of appointing, employing and paying one or more public health nurses for the promotion of the public health and the prevention or treatment of disease, and such appointments are eligible for grants in respect of the same as are provided by the regulations.

(9) Any person who is appointed under this Act as a public health nurse is subject to the direction and control of the medical officer of health for the municipality for which such nurse is appointed. R.S.O. 1970, c. 377, s. 35 (6, 7).

40.—(1) The council of a county may by by-law establish and declare the county to be a health unit.

(2) The councils of two or more counties, or such number and type of municipalities in the same county or in different counties or territorial districts as are designated by the regulations, may enter into an agreement in writing for the formation of a health unit.

(3) Where a county, either alone or with another county or with a municipality separated from the county, is a health unit, the local municipalities in the county and not separated therefrom all form part of the health unit.

(4) A health unit may include any area in a territorial district that is designated by the Lieutenant Governor in Council.

(5) Where a medical officer of health or an acting medical officer of health is appointed for a health unit, the provisions of this Act with respect to the appointment of municipal officers of health for the territory included in the health unit do not apply and the powers and duties of a medical officer of health in any such municipality shall thenceforth be exercised and performed by the medical officer of health or the acting medical officer of health for the health unit.

(6) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations, which may be general or particular in their application,

(a) respecting the establishment of a health unit;
(b) providing for the constitution of a board of health in any health unit, fixing the number of members and defining the powers of the board;

(c) prescribing the powers, qualifications, salary and duties of a medical officer of health, an acting medical officer of health, associate medical officers of health, school medical officers, dental officers, nurses, public health inspectors and other technical health workers in a health unit;

(d) respecting the appointment and the tenure of office of the medical officer of health, acting medical officer of health, associate medical officers of health, school medical officers, dental officers, nurses, public health inspectors and other technical health workers in a health unit;

(e) apportioning any expense incurred in carrying out this section and the regulations among the municipalities and school sections concerned;

(f) prescribing the amounts, manner, method, times and conditions of payment of the grants to health units mentioned in subsection (9).

7 Expenses

(7) The expenses incurred by a health unit in establishing and maintaining the health unit and in performing its functions under this or any other Act shall be borne and paid in such proportion as is agreed upon or, in default of agreement, in such proportion as is fixed by the regulations.

8 Municipal action confirmed

(8) Notwithstanding any other Act, where a health unit has been established or is established, the municipalities making up the unit shall be deemed to have had and to have all such powers as may be necessary to carry out the by-law or agreement providing therefor and, without limiting the generality of the foregoing, any such municipality may incur continuing obligations and make provision for the discharge thereof and may contribute money to and expend money on carrying out the provisions of this Act and the regulations with respect to health units.

9 Provincial assistance

(9) Subject to the regulations, where a health unit is established under this Act, the Minister may grant such assistance for the establishment and maintenance of the health unit as he considers proper and any such grant is payable out of the moneys appropriated by the Legislature for that purpose. R.S.O. 1970, c. 377, s. 36.
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41.—(1) In this section, "separated local board" means the local board of health of a health unit that has been formed under subsection 40 (2), and "separated health unit" has a corresponding meaning.

(2) With the approval of the Minister, a separated local board may enter into an agreement with the council of a county or other municipality mentioned in subsection 40 (2) for such county or other municipality to form part of the separated health unit.

(3) A separated local board is a corporation to be known by such name as it may by by-law adopt with the approval of the Minister.

(4) All property, real and personal, heretofore vested in a board of health of a health unit that has been formed under subsection 40 (2) is vested in the separated local board. R.S.O. 1970, c. 377, s. 37 (1-4).

(5) With the consent of the municipalities forming a separated health unit as provided for in the agreement and, where no such provision is made in the agreement, with the consent of a majority of such municipalities, the separated local board may acquire and hold real and personal property for its purposes, and may sell, exchange, lease, mortgage or otherwise charge or dispose of any such property. 1972, c. 80, s. 3.

(6) A separated local board may pass by-laws respecting,

(a) the management of its property;

(b) banking and finance;

(c) the holding or conducting of meetings;

(d) the appointment, duties and removal of officers and employees, and their remuneration, pensions and other benefits; and

(e) any matter necessary or advisable for the management of the affairs of the board.

(7) A copy of each by-law shall be delivered or sent by mail by the secretary of the separated local board to the clerk of each municipality forming the health unit within fifteen days of the by-law becoming effective. R.S.O. 1970, c. 377, s. 37 (6, 7).
42. — (1) In this section, "band" and "council of a band" have the same meaning as in the Indian Act (Canada).

(2) The provisions of section 40 that apply to a township municipality apply with necessary modifications to a band, and the council of a band shall be deemed to be the council of a township municipality. R.S.O. 1970, c. 377, s. 38.

43. Every public health inspector appointed by the council shall hold office during the pleasure of the council, and, if appointed by the Lieutenant Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment. R.S.O. 1970, c. 377, s. 39.

44. — (1) Every medical officer of health appointed by the council shall hold office during good behaviour and his residence in the municipality, and, if appointed by the Lieutenant Governor in Council, shall hold office until the 1st day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except on a two-thirds vote of the whole council and with the consent and approval of the Minister, who may require cause to be shown for the dismissal. R.S.O. 1970, c. 377, s. 40 (1).

(2) Every medical officer of health and every associate medical officer of health shall cease to hold office upon attaining sixty-five years of age but the municipal council, with the approval of the Minister, may continue a medical officer of health or associate medical officer of health in office from year to year until he attains the age of seventy years. 1974, c. 61, s. 5; 1975, c. 61, s. 5.

(3) Upon evidence satisfactory to the Minister that there is no person residing in a municipality qualified to be medical officer, the Minister may permit the council to appoint as medical officer of the municipality some person residing out of the municipality. R.S.O. 1970, c. 377, s. 40 (3).

(4) A medical officer of health who refuses or neglects to carry out this Act or the regulations, or any special order of the Ministry, or any by-law of the municipality relating to sanitary matters, may be dismissed from office by the Ministry or by the municipal corporation on the recommendation of the Ministry. R.S.O. 1970, c. 377, s. 40 (4); 1972, c. 1, s. 1.
45. The medical officer of health is the executive officer of the local board and, with the local board, is responsible for the carrying out of this Act and the regulations and of the public health or sanitary by-laws of the municipality. R.S.O. 1970, c. 377, s. 41.

46.—(1) No action or other proceeding shall be instituted against a medical officer of health, acting medical officer of health, associate medical officer of health or public health inspector for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

(2) Subsection (1) does not relieve a local board of health of liability in respect of a tort committed by a person referred to in subsection (1) and a local board of health is liable for any such tort in a like manner as if subsection (1) had not been enacted. 1974, c. 87, s. 2.

47. Every medical officer of health, whether appointed by the council or by the Lieutenant Governor in Council, shall be paid by the municipal corporation a reasonable salary to be fixed by by-law, and such salary shall be his total remuneration for his services as medical officer of health. R.S.O. 1970, c. 377, s. 43.

48. Public health inspectors shall be paid such annual sum as is determined by the council of the municipality. R.S.O. 1970, c. 377, s. 44.

MICROWAVE OVENS

49. In this section and in sections 50 to 57,

(a) "commercial microwave oven" means a microwave oven that is used other than in a private residence;

(b) "Director" means a Director appointed by the Minister for the purposes of sections 49 to 57;

(c) "inspector" means an inspector appointed under section 3 for the purposes of sections 49 to 57 or an inspector employed by a local board;

(d) "microwave oven" means any apparatus or device for heating food or material by absorption of electromagnetic radiation in the range of electromagnetic frequencies from 890 megahertz to 6,000 megahertz;
(e) "regulations" means the regulations made under section 57;

(f) "repairer" means a person who repairs microwave ovens for payment or compensation. 1975, c. 61, s. 6.

50. Every owner of a commercial microwave oven shall register ownership of the oven with the Director before using or causing or permitting the use of the oven. 1975, c. 61, s. 7.

51.—(1) No person shall work as a repairer of microwave ovens unless he has successfully completed a program of instruction in the repair of microwave ovens approved by the Minister of Colleges and Universities.

(2) For the purposes of subsection (1), proof of the performance of one act as a repairer on one occasion is sufficient to establish working as a repairer.

(3) Subsection (1) does not apply to a person who works under the supervision of a person who has successfully completed a program referred to in subsection (1) and who is physically present.

(4) Every person to whom subsection (1) applies shall, while working as a repairer, carry with him evidence of successful completion of the program referred to in subsection (1) and shall produce it when required by an inspector. 1975, c. 61, s. 8.

52.—(1) An inspector may make an oral or written order directed to the person who is the owner or who has the control or supervision of a commercial microwave oven requiring the person to do the things and take the steps within the time or times specified in the order that the inspector, upon reasonable and probable grounds, considers necessary or advisable for the purpose of protecting the health or the safety of any persons in or about the premises where the commercial microwave oven is situated or is intended to be situated.

(2) Where the power density of the radiation leakage from a commercial microwave oven does not exceed the prohibited power density of radiation leakage but exceeds the permissible power density of radiation leakage prescribed by the regulations and an inspector is of the opinion that it is not safe to use the commercial microwave oven, the inspector may make an order prohibiting the use of the commercial
microwave oven until such time as it is repaired to reduce the power density of the radiation leakage below the permissible power density of radiation leakage prescribed by the regulations in respect of the oven. 1975, c. 61, s. 9, part.

53. Notwithstanding that an appeal is taken against an order of an inspector under section 52, the order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, altered or rescinded on appeal and the person to whom the order is directed shall comply with the order immediately or within such period of time as may be specified in the order. 1975, c. 61, s. 9, part.

54.—(1) Subsections 118 (1), (2), (4), (5) and (6), subsections 119 (2) to (8) and section 120 apply with necessary modifications where an order is made under section 52.

(2) The inspector, the person to whom the order is made and such other persons as the Health Facilities Appeal Board may specify are parties to the proceedings under subsection (1). 1975, c. 61, s. 9, part.

55.—(1) No person shall use or cause or permit the use of a commercial microwave oven where the person knows that the power density of the radiation leakage from the oven exceeds the prohibited power density prescribed by the regulations in respect of the oven.

(2) Where the Director has reasonable or probable grounds for belief that a person using a commercial microwave oven has suffered or is likely to suffer physical impairment or injury, he may arrange for the medical examination of the person and may require the owner of the commercial microwave oven to pay for the medical examination. 1975, c. 61, s. 9, part.

56.—(1) Where a repairer is requested by the person who is the owner of or who has the supervision or control of a microwave oven to examine or to repair the oven, the repairer shall measure the power density of the radiation leakage from the oven and, where the power density measured exceeds the permissible power density of radiation leakage prescribed for the oven by the regulations, the repairer shall,

(a) inform the person of the power density measured and of the prohibited and permissible power densities prescribed by the regulations in respect of the oven; and
(b) where the owner or the person who has supervision or control of the oven refuses to have the oven repaired, give notice in writing forthwith to the Director in the form prescribed by the regulations.

(2) A repairer who repairs a microwave oven shall measure the power density of the radiation leakage from the oven after completion of the repair and shall provide the person who is the owner or the person who has the supervision or control of the oven with a certificate in the form prescribed by the regulations stating the power density measured and the prohibited and permissible power densities of radiation leakage prescribed by the regulations in respect of the oven.

1975, c. 61, s. 10.

Regulations

57. The Lieutenant Governor in Council may make regulations,

(a) classifying microwave ovens or commercial microwave ovens or both;

(b) prescribing the prohibited and permissible power densities of radiation leakage for microwave ovens, commercial microwave ovens or any class or classes of either of them for the purposes of sections 49 to 57;

(c) prescribing the form and contents of warning or information devices or stickers and requiring their use on or in association with microwave ovens or commercial microwave ovens or any class of either of them; and

(d) prescribing forms for the purposes of sections 49 to 57 and providing for their use. 1975, c. 61, s. 11.

58. Sections 49 to 57 do not come into force until a day to be named by proclamation of the Lieutenant Governor. 1975, c. 61, s. 14.

HEALTH FACILITIES

59. In this section and in sections 60 to 75,

(a) "Director" means the Director of Laboratory and Specimen Collection Centre Licensing appointed under section 60;

(b) "inspector" means an inspector appointed under section 70;

(c) "laboratory" means an institution, building, or place in which operations and procedures for the microbiological, serological, chemical, hematological,
biophysical, immunohematological, cytological or pathological examination of specimens taken from the human body are performed to obtain information for diagnosis, prophylaxis or treatment, but not including simple procedures prescribed by the regulations that are carried out by legally qualified medical practitioners exclusively for the purpose of the diagnosis and treatment of their patients;

(d) "operator" means a person having charge or control of a laboratory or a specimen collection centre;

(e) "regulations" means the regulations made under section 72;

(f) "Review Board" means the Laboratory Review Board established under section 61;

(g) "specimen collection centre" means a place where specimens are taken or collected from the human body for examination to obtain information for diagnosis, prophylaxis or treatment, but does not include a place where a legally qualified medical practitioner is engaged in the practice of medicine or surgery or a laboratory that is established, operated or maintained under a licence under this Act;

(h) "test" means a procedure for carrying out an examination referred to in clause (c) in a laboratory. 1972, c. 80, s. 4, part; 1973, c. 130, s. 1; 1974, c. 61, s. 6.

60. The Minister shall appoint an officer of the Ministry to be the Director of Laboratory and Specimen Collection Centre Licensing for purposes of sections 59 to 72. 1973, c. 130, s. 2.

61.—(1) There shall be a Laboratory Review Board, which shall be composed of not more than five members, appointed by the Lieutenant Governor in Council who may designate one member as chairman.

(2) Three members of the Review Board constitute a quorum. 1972, c. 80, s. 4, part.

62.—(1) The members of the Review Board who are not employed in the public service of Ontario shall be paid such remuneration and allowances as may be fixed by the Lieutenant Governor in Council in the appointment.
(2) No action or other proceeding for damages shall be instituted against the Director, any member of the Review Board, or anyone acting under the authority of such Director or member of the Review Board for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. 1972, c. 80, s. 4, part.

63.—(1) No person shall establish, operate or maintain a laboratory except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a laboratory to perform such classes of tests or such tests within a class or classes of tests and subject to such conditions as the Director may specify in the licence. 1972, c. 80, s. 4, part; 1973, c. 130, s. 3 (1).

(2) Subject to subsection (8), any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a laboratory and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence. 1972, c. 80, s. 4, part.

(3) No person shall establish, operate or maintain a specimen collection centre except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a specimen collection centre to take or collect such specimens or class or classes of specimens and subject to such conditions as the Director may specify in the licence.

(4) Subject to subsection (8), any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a specimen collection centre and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

(5) Except in the case of a specimen collection centre that is in operation immediately before the 10th day of June, 1974 and notwithstanding subsections (2) and (4), where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence to establish, operate or maintain the laboratory or specimen collection centre, as the case may be, in the area where the applicant proposes to establish, operate or maintain the laboratory or specimen collection centre, section 65 shall not apply and the Director shall not
issue the licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister's statement.

(6) Except in the case of a specimen collection centre that is in operation immediately before the 10th day of June, 1974 and notwithstanding subsections (2) and (4), where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence,

(a) in the case of a laboratory, for any of such classes of tests or any of the tests within a class or classes of tests in respect of which the application is made; or

(b) in the case of a specimen collection centre, to take or collect such specimens or class or classes of specimens in respect of which the application is made,

sections 64 and 65 shall not apply, and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall not be for such classes of tests or such tests within a class or classes of tests or for taking or collecting such specimens or class or classes of specimens as are set out in the Minister's statement.

(7) In considering,

(a) under subsection (5), whether it is in the public interest to issue a licence,

(i) to establish, operate or maintain a laboratory in an area, or

(ii) to establish, operate or maintain a specimen collection centre in an area; or

(b) under subsection (6), whether it is in the public interest,

(i) in the case of a laboratory, to limit the classes of tests or the tests within a class or classes of tests, or

(ii) in the case of a specimen collection centre, to limit the specimens or class or classes of specimens,
in respect of which the Director may issue a licence to the applicant,

the Minister shall take into account,

(c) the number of laboratories or specimen collection centres, as the case requires, that operate under the authority of licences issued under this Act,

(i) in the area, or

(ii) in the area and any other area;

(d) the number of laboratories or specimen collection centres, as the case requires, operated by a Ministry or Ministries of the Crown,

(i) in the area, or

(ii) in the area and any other area;

(e) the tests and classes of tests performed in the laboratories or the specimens or class or classes of specimens taken or collected in the specimen collection centres, as the case requires,

(i) in the area, or

(ii) in the area and any other area;

(f) the utilization of existing laboratories or specimen collection centres, as the case requires, and their capacity to handle increased volume;

(g) the availability of facilities for the transportation of persons and specimens to laboratories or for the transportation of persons to specimen collection centres, as the case requires,

(i) in the area, or

(ii) in the area and any other area; or

(h) the funds available to provide payment for laboratory tests that are insured services under the Health Insurance Act. 1973, c. 130, s. 3 (2).
(a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the laboratory or specimen collection centre will not be operated in accordance with the law and with honesty and integrity;

(b) the proposed laboratory or specimen collection centre or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;

(c) the applicant is not competent to operate a laboratory or specimen collection centre, as the case requires, in accordance with this Act and the regulations;

(d) the equipment and premises are not suitable for the performance of the tests or the taking or collecting of the specimens for which the licence is sought. 1972, c. 80, s. 4, part; 1973, c. 130, s. 3 (3-7).

(9) Where the applicant for a licence does not meet all the requirements for issuance of the licence and requires time to meet such requirements, the Director may issue a provisional licence for the laboratory or specimen collection centre. 1972, c. 80, s. 4, part; 1973, c. 130, s. 3 (9).

(10) A provisional licence expires six months after the date of its issue but may be renewed by the Director for two further six-month periods where in the opinion of the Director sufficient progress in complying with the requirements for issuance of a licence has been made.

(11) A licence that is not a provisional licence expires twelve months from the date of its issue or renewal and a renewal shall be issued where the applicant is not disqualified under subsection (17). 1972, c. 80, s. 4, part.

(12) Where the Director refuses to renew a licence, the laboratory or specimen collection centre shall be deemed to continue to be licensed until an order is made by the Review Board or until the time for requiring a hearing by the Review Board expires, whichever occurs first. 1972, c. 80, s. 4, part; 1973, c. 130, s. 3 (10).
(13) It is a condition of a licence that the operation of the laboratory or specimen collection centre be under the charge and control of the operator named in the licence as operator and that the ownership of the laboratory or specimen collection centre be only in the persons named in the licence as owners. 1972, c. 80, s. 4, part; 1973, c. 130, s. 3 (11).

(14) It is a condition of a licence for a laboratory that,

(a) the performance of tests in the laboratory meet the generally accepted standards of proficiency in such tests;

(b) the owner and the operator of the laboratory submit the performance of tests in the laboratory to examinations and evaluations of proficiency carried out by the agency designated in the regulations;

(c) the owner of the laboratory pay the fees prescribed by the regulations for the examinations and evaluations by the agency designated in the regulations of proficiency in the performance of tests in the laboratory.

(15) Where an agency designated in the regulations to examine and evaluate proficiency in the performance of tests reports to the Director that the performance of a test in a laboratory does not meet the generally accepted standard of proficiency in the performance of the test, the Director may impose such conditions upon the licence in respect of the performance of the test in the laboratory as the Director considers necessary or advisable in order that the health of the public may be protected. 1974, c. 61, s. 7.

(16) Where the operator or the owner named in the licence is a corporation, the corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation. 1972, c. 80, s. 4, part.

(17) The Director may revoke or refuse to renew a licence where,

(a) any person has made a false statement in the application for the licence or a renewal thereof or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the laboratory or specimen collection centre;
(b) any test authorized by the licence is incompetently performed;

(c) any specimen taking or collecting authorized by the licence is incompetently carried out;

(d) there is a breach of a condition of the licence;

(e) the owner or the operator does not comply with this Act or the regulations;

(f) the services that can be provided by the laboratory or specimen collection centre are misrepresented; or

(g) a change in the officers or directors of any corporation which is an operator or owner of a laboratory or specimen collection centre named in the licence would afford grounds for refusing to issue a licence under clause (8) (a). 1972, c. 80, s. 4, part; 1973, c. 130, s. 3 (12-15).

64.—(1) Where the Director issues a licence under this Act and any party to the proceeding is dissatisfied with the terms and conditions thereof prescribed by the Director, he may by written notice given to the Director and the Review Board require a hearing by the Review Board, and the Review Board shall appoint a time for and hold a hearing.

(2) Pursuant to a hearing under subsection (1), the Review Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence. 1972, c. 80, s. 4, part.

65.—(1) Where the Director proposes to revoke or to refuse to issue or renew a licence or to impose a condition on an existing licence under this Act, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant in the case of a proposal to refuse to issue or renew the licence and on the owner and operator in the case of a proposal to revoke or to impose a condition on the licence. 1974, c. 61, s. 8.

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

(3) Where the applicant or the owner and operator do not require a hearing by the Review Board in accordance with subsection (2), the Director may carry out the proposal stated in the notice under subsection (1).

(4) Where an applicant or an owner or operator requires a hearing by the Review Board in accordance with subsection (2), the Review Board shall appoint a time for and shall hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Review Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Review Board may substitute its opinion for that of the Director.

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

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

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Review Board has expired and, where a hearing is required, until the Review Board has made its decision. 1972, c. 80, s. 4, *part.*

**66.**—(1) The Director, the applicant or the owner or operator who has required the hearing and such other persons as the Review Board may specify are parties to proceedings before the Review Board under this Act.
(2) Notice of a hearing under section 65 shall afford the applicant or the owner or operator a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(3) Any party to proceedings under section 65 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

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

(5) The oral evidence taken before the Review Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Review Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the Statutory Powers Procedure Act.

(7) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision.

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined. 1972, c. 80, s. 4, part.

67.—(1) Any party to the proceedings before the Review Board may appeal from its decision or order to the Divisional Court in accordance with the rules of court.
(2) Where any party appeals from a decision or order of the Review Board, the Review Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Review Board’s record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Review Board and may exercise all powers of the Review Board to direct the Director to take any action which the Review Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Review Board, or the court may refer the matter back to the Review Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1972, c. 80, s. 4, part.

68.—(1) Every owner and operator of a laboratory shall ensure that no tests are performed in the laboratory other than tests authorized by the licence, and no person employed in the laboratory shall knowingly participate in such tests. 1972, c. 80, s. 4, part; 1973, c. 130, s. 4 (1).

(2) Every owner and operator of a specimen collection centre shall ensure that no specimen taking or collecting is carried out in the specimen collection centre other than specimen taking or collecting authorized by the licence, and no person employed in the specimen collection centre shall knowingly participate in such specimen taking or collecting. 1973, c. 130, s. 4 (2).

69.—(1) No person shall advertise or cause to be advertised the services of the laboratory, but any person may notify such classes of persons as are specified by the regulations respecting,

(a) the name and address of the laboratory;

(b) laboratory employees and the tests that are authorized to be performed under the laboratory licence;
(c) the laboratory equipment and premises and list of procedures and tariff;

(d) information as to new tests provided. 1972, c. 80, s. 4, part.

(2) No person shall advertise or cause to be advertised the services of a specimen collection centre, but any person may notify such classes of persons as are specified by the regulations respecting,

(a) the name and address of the specimen collection centre;

(b) employees of the specimen collection centre and the specimens or class or classes of specimens that are authorized to be taken or collected under the specimen collection centre licence;

(c) the equipment, premises, procedures and tariff of the specimen collection centre;

(d) information as to new specimen taking or collecting provided. 1973, c. 130, s. 5.

70.—(1) The Minister may appoint one or more persons as inspectors for the purposes of sections 59 to 72 and the regulations and such appointments shall be in writing.

(2) The Minister shall issue every inspector appointed under subsection (1) a certificate of his appointment and every inspector, in the execution of his duties under this section and the regulations, shall produce his certificate of appointment upon request. 1972, c. 80, s. 4, part.

(3) An inspector may at all reasonable times inspect the premises, operations, all records and test samples of all laboratories and specimen collection centres to ensure that the provisions of sections 59 to 72 and the regulations are complied with. 1972, c. 80, s. 4, part; 1973, c. 130, s. 6 (1).

(4) Where the Director has reasonable and probable grounds to believe that any institution, building or place other than a private dwelling is being used as a laboratory or specimen collection centre without being licensed under this Act, the Director may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of deter-
mining whether or not any person is in contravention of subsection 63 (1) or (3). 1973, c. 130, s. 6 (2).

(5) Upon an inspection under this section, the inspector may upon giving a receipt therefor remove any material referred to in subsection (3) that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

(6) Any copy made as provided in subsection (5) and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

(7) No person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection. 1972, c. 80, s. 4, *part*.

**Penalty**

71.—(1) Any person who contravenes any provision of sections 59 to 70 or the regulations made under section 72 is guilty of an offence and on conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is $5,000 and not as provided therein. 1972, c. 80, s. 4, *part*.

**Regulations**

72. The Lieutenant Governor in Council may make regulations,

(a) providing for the issuance and renewal of licences and provisional licences and prescribing terms and conditions thereof;

(b) prescribing simple laboratory procedures for the purpose of clause 59 (c).

(c) prescribing classes of tests for the purposes of this Act and the regulations;

(d) respecting the officers, staff and employees of laboratories and prescribing their duties, responsibilities and qualifications;
(e) respecting the staff and employees of specimen collection centres and respecting the duties, responsibilities and qualifications of the staff and employees of specimen collection centres;

(f) prescribing the classes of persons who may perform tests in a laboratory;

(g) prescribing the classes of persons who may take or collect specimens in a specimen collection centre;

(h) prescribing classes of persons who shall not be owners of laboratories or specimen collection centres or of any interest therein;

(i) respecting the management and operation of laboratories and specimen collection centres and requiring laboratories and specimen collection centres to keep such records and make such reports as are prescribed;

(j) specifying classes of persons whom laboratories and specimen collection centres may notify respecting their services;

(k) prescribing forms and providing for their use;

(l) prescribing fees for licences, provisional licences and renewals and for laboratory services performed by the Ministry;

(m) exempting laboratories or specimen collection centres or any class of either of them or any class of persons from any provisions of this Act or the regulations;

(n) prescribing tests to which this Act does not apply;

(o) prescribing other duties and powers of the Director and the Review Board, including the approval of educational qualifications of officers, staff and employees of laboratories and specimen collection centres;

(p) instituting a system for the payment by the Province of all or any part of the annual expenditures of laboratories in lieu of amounts payable under the Health Insurance Act;
(q) prescribing fees in respect of classes of tests for examinations and evaluations of proficiency in the performance of tests in laboratories;

(r) designating an agency or agencies to carry out examinations and evaluations of proficiency in the performance of tests in laboratories. 1972, c. 80, s. 4, part; 1973, c. 130, s. 7; 1974, c. 61, s. 9.

Agreement 73. The Minister may enter into an agreement with an agency or agencies designated in the regulations to provide for the examination and evaluation of the performance of tests in laboratories including the manner and frequency of such examinations and evaluations, the reports thereon and payment therefor. 1974, c. 61, s. 10, part.

Committee 74. The Minister may establish a committee of not fewer than five persons for the purpose of recommending to the Minister standards and procedures for the evaluation of proficiency in the performance of tests in laboratories. 1974, c. 61, s. 10, part.

Moneys 75. The moneys required for the administration of the program of examining and evaluating the performance of tests in laboratories shall be paid out of the moneys appropriated therefor by the Legislature. 1974, c. 61, s. 10, part, revised.

ISOLATION HOSPITALS

Establishment 76.—(1) Any municipality may establish, erect and maintain one or more isolation hospitals for the reception and care of persons suffering from any communicable disease.

Idem (2) Two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital.

Debentures (3) A municipality may borrow money by the issue of debentures for the purposes of this section and it is not necessary to obtain the assent of the electors to any by-law for raising money for the purposes of this section.

When payable (4) Debentures issued under this section shall be payable within twenty years from the date of the issue thereof.

Where to be established (5) Any such hospital may be established in a municipality or in one of the municipalities providing for the same or in an adjoining municipality.
(6) The powers conferred by this section are subject to sections 77 to 82. R.S.O. 1970, c. 377, s. 46.

77. No such isolation hospital and, except as provided by the Sanatoria for Consumptives Act, no sanatorium, institution or place for the reception, care or treatment of persons suffering from consumption or tuberculosis shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided. R.S.O. 1970, c. 377, s. 47.

78.—(1) Every municipal corporation and every person desiring to establish, maintain or keep any such isolation hospital, sanatorium, institution or place in a municipality shall make application in writing to the local board of the municipality for permission to do so.

(2) The local board shall give notice of the application and of the meeting at which the application will be considered by advertisement once a week for two successive weeks in a newspaper published in the municipality or, if there is no such newspaper, in a newspaper published in an adjoining municipality.

(3) The local board shall take such application into consideration at its next general meeting after the last publication of such notice or at a special meeting to be called for the purpose within one month after that date.

(4) The local board shall hear the applicant for such permission in person or by counsel, and shall hear any person opposed to the granting of such permission, and shall within one month thereafter determine by resolution of the board whether or not the application will be granted.

(5) If the local board determines not to grant permission, notice in writing of its decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a board of appeal to be composed of the head of the municipality, the sheriff of the county or district in which the municipality is situate and the Deputy Minister.

(6) The appeal shall be by notice in writing addressed to the Deputy Minister and sent by registered mail to him within seven days after the receipt of notice of the decision of the local board.

(7) The Deputy Minister shall appoint a time and place for the consideration of the appeal, and at least seven days.
notice of the time and place of hearing the appeal shall be given by registered letter addressed to the secretary of the local board and to the applicant, and by advertisement in a newspaper published in the municipality in which it is sought to establish such hospital, sanatorium, institution or place of reception, or, if there is no such newspaper, in a newspaper published in the county or district town of the county or district in which such municipality is situate.

(8) The board of appeal shall hold a sitting at such time and place and shall hear what is alleged for and against such appeal on behalf of the applicant and the local board or any ratepayer of the municipality who objects to the granting of such permission.

(9) The board of appeal may adjourn the proceedings for the purpose of visiting any building or proposed site and determining upon its suitability or procuring such further information as the board considers necessary.

(10) The decision of the board of appeal or a majority of its members shall be given in writing and is final.

(11) Each of the members of the board of appeal is entitled to a fee of $10 per day for each day during which he is necessarily engaged in connection with the appeal and reasonable and necessary expenses, and the same and any other costs and expenses incurred in hearing the appeal are payable by the appellant upon the written order of the Minister to the persons entitled thereto.

(12) Nothing in this section or in section 77 applies to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated. R.S.O. 1970, c. 377, s. 48.

79. Every person who erects, establishes or maintains any such isolation hospital, sanatorium, institution or place, or who takes part in the superintendence or management thereof, until permission has been given as provided by section 78, is guilty of an offence and on conviction is liable to a fine of not more than $25 for every day on which the offence is continued. R.S.O. 1970, c. 377, s. 49.

80.—(1) No isolation hospital shall be established until the plans and the proposed equipment thereof have been submitted to and approved by the Ministry.
(2) Every municipality establishing an isolation hospital shall from time to time make such alterations therein and such changes or improvement in the equipment thereof as are directed by the Ministry. R.S.O. 1970, c. 377, s. 50; 1972, c. 1, s. 1.

81. The Minister may, out of the moneys that are appropriated by the Legislature for the purpose and subject to the regulations, pay grants to municipalities toward the cost of maintenance of the isolation hospitals referred to in section 76. R.S.O. 1970, c. 377, s. 51.

82.—(1) Subject to the regulations, the local board of the municipality that has established an isolation hospital has the management and control of it and of the conduct of the physicians, nurses, attendants and patients.

(2) Notwithstanding subsection (1), an agreement may be entered into between the local board of the municipality that has established an isolation hospital, the council of the municipality and the board of trustees of a public hospital, providing for the management and control of the isolation hospital and of the conduct of the physicians, nurses, attendants and patients by the board of trustees of the public hospital. R.S.O. 1970, c. 377, s. 52.

EMERGENCY HOSPITALS

83. Where a communicable disease to which this section is made applicable by the regulations becomes prevalent in a municipality and the municipality has not already provided proper hospital accommodation for such cases, the local board shall immediately provide, at the cost of the municipality, such a temporary hospital, hospital tent or other place or places of reception for the sick and infected as may be considered best for their accommodation and the safety of the inhabitants, and for that purpose may,

(a) erect such hospital, hospital tent or place of reception;

(b) contract for the use of any existing hospital, hospital tent or place of reception; or

(c) enter into an agreement with any person having the management of any such hospital, subject to the approval of the medical officer of health of the local municipality in which the hospital is situate, for the reception and care of persons
suffering from the communicable disease, and for the payment of such remuneration therefor as is agreed upon. R.S.O. 1970, c. 377, s. 53.

ACQUIRING LAND

84. — (1) Where an outbreak of any of the diseases to which section 83 applies occurs or is apprehended, the local board may enter upon and take and use for the purposes mentioned in that section any land or unoccupied building without prior agreement with its owner and without his consent, and may retain it for such period as appears to the board to be necessary.

(2) Written notice in the form set out in Schedule A shall, within five days after the taking or obtaining possession, be given by the board to the clerk of the municipality wherein the land or unoccupied building is situate, and such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise.

(3) Where possession is taken without the consent of the owner, the board shall, within five days after taking possession, give the like notice to the owner.

(4) If the owner is not known or is not resident in Ontario or if his residence is unknown to the board, the board shall cause the notice to be published in two successive issues of a local newspaper having circulation in the municipality where the property is situate, and shall send by registered mail to the last known address, if any, of the owner a copy of the notice, and such publication is sufficient notice to the owner.

(5) The owner is entitled to compensation from the municipality wherein the land or building is situate for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the council of the municipality and the owner and, in case they do not agree, the judge of the county or district court of the county or district in which the property is situate shall summarily determine the amount of the compensation and the terms of payment in such manner and after giving such notice as he sees fit. R.S.O. 1970, c. 377, s. 54.

85. Where any resistance or forcible opposition is offered or apprehended to possession being taken of the land or building, the judge of the county or district court may,
without notice to any person, issue his warrant to the sheriff of the county or district, or to any other person as he considers most suitable, requiring him to put and maintain the board, its agents or servants in possession, and to put down such resistance or opposition, which the sheriff or other person, taking with him sufficient assistance, shall accordingly do. R.S.O. 1970, c. 377, s. 55.

MEDICAL CARE OF INDIGENTS

86.—(1) Every municipality shall enter into an agreement with the medical officer of health or some other legally qualified medical practitioner resident in the municipality or in a municipality adjacent thereto for his medical attendance upon and care of persons suffering from the result of injury or disease who, in the opinion of the head of the municipality or of its welfare administrator, if any, are unable through poverty to pay for the necessary attendance and who are not cared for in a public or private hospital.

(2) This section does not impose any duty on the medical officer of health in respect of such cases unless an agreement has been entered into with him under subsection (1).

(3) Failing the making of any other agreement, the medical officer of health shall be deemed to be indigent medical officer of health for the municipality and shall be remunerated for his service as indigent medical officer, according to subsection (4).

(4) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. R.S.O. 1970, c. 377, s. 56.

87.—(1) Where a medical officer of health claims that the salary paid to him by a municipality or the remuneration provided for under section 86 is not fair and reasonable, and gives notice of such claim in writing, signed by him, to the clerk of the municipality, and the council of the municipality neglects to comply with such demand, or directs the serving upon the medical officer of health of a notice disputing the claim, the medical officer of health, after the expiration of ten days from the receipt of the notice by the clerk, may apply in a summary manner to the judge of the county or district court of the county or district in which the municipality lies for an order allowing his claim and fixing the amount
payable to him as salary under section 47 or as remuneration under section 86, and upon such application the judge shall hear the parties and their witnesses and shall make such order as he considers just, and in and by such order shall settle and determine the salary properly payable to such medical officer of health, and a fair and reasonable remuneration under section 86.

(2) If such application is not made by the medical officer of health within thirty days after receiving notice from the municipality disputing his claim, he shall be deemed to have abandoned the claim.

(3) The judge, upon the application, shall take into consideration all the circumstances of the case and, among other matters, the physical extent, population and assessment of the municipality.

(4) The Judges’ Orders Enforcement Act applies to every application and order made under this section. R.S.O. 1970, c. 377, s. 57.

USE OF DRUGS

88.—(1) In this section,

(a) "designated drug" means a drug,

(i) for which a standard has been prescribed under legislation applicable to the advertising and sale of drugs,

(ii) for which a standard is contained in a publication mentioned in Schedule C, or

(iii) designated by the regulations;

(b) "designated human ailment" means a human ailment designated by the regulations;

(c) "drug" means a substance or mixture of substances for the treatment of human ailments.

(2) This section does not apply to,

(a) a legally qualified medical practitioner;

(b) a person engaged in bona fide research, experimentation or the treatment of patients or other persons if carried on under the supervision of a
legally qualified medical practitioner in a hospital or health institution established, approved or licensed under any Act, a hospital operated and maintained by Her Majesty in right of Canada or an institution operated by or affiliated with a university.

(3) Except as provided by the regulations, no person shall use or permit to be used any drug other than a designated drug in the treatment of a designated human ailment.

(4) The Minister, for the purpose of this section, may appoint any person on the staff of the Ministry or any other person as an inspector for such time as the Minister may designate.

(5) An inspector appointed under subsection (4) may enter any place in which he believes on reasonable grounds that a drug is being used contrary to subsection (3), and he may search for and examine any such drug and take and remove it or a sample thereof.

(6) The owner or person in charge of the place entered by an inspector appointed under subsection (4) and every person therein shall give the inspector all reasonable assistance and furnish him with such information as he may reasonably request.

(7) No person shall obstruct an inspector appointed under subsection (4) in the performance of his duties.

(8) Any person who contravenes any provision of this section is guilty of an offence and, for a first offence, on conviction is liable to a fine of not less than $200 and not more than $500 and, for a subsequent offence, on conviction is liable to a fine of not less than $500 and not more than $2,500.

(9) In a prosecution for the use of a drug in contravention of subsection (3), the burden of proof that a drug is a designated drug is upon the person charged.

(10) The Lieutenant Governor in Council may make regulations,

(a) designating human ailments and drugs for the purposes of this section;

(b) prescribing terms and conditions under which a drug other than a designated drug may be used in the treatment of a designated human ailment;
(c) adding any publication or deleting any publication from the list of publications in Schedule C.

(11) Nothing in this section shall be deemed to confer upon any person any rights in the treatment of human ailments that he does not otherwise possess. R.S.O. 1970, c. 377, s. 58; 1972, c. 1, s. 1.

CANCER SURVEYS

89.——(1) The Minister may cause to be conducted periodic surveys of the incidence and prevalence of cancer in Ontario.

(2) For the purpose of the surveys mentioned in subsection (1),

(a) every legally qualified medical practitioner; and

(b) every superintendent or director of,

(i) a hospital, sanatorium or other institution designated by the regulations, or

(ii) a medical clinic or medical laboratory,

shall report every case of cancer diagnosed, treated or observed by him in such manner and at such times as are prescribed by the regulations. R.S.O. 1970, c. 377, s. 59.

COMMUNICABLE DISEASES

90.——(1) The Minister may supply, or contribute towards the cost of supplying, free of charge to indigent persons insulin or any designated substance for the control or treatment of diabetes upon such terms and conditions as the regulations prescribe.

(2) The regulations may prescribe that the municipality in which the indigent person resides shall contribute a part of the cost, not exceeding 25 per cent thereof, of supplying insulin or any substance for the control or treatment of diabetes designated by the regulations. R.S.O. 1970, c. 377, s. 60.

91. The Minister, out of such moneys as are appropriated by the Legislature therefor, may make contributions to institutions designated by the regulations toward the cost of the maintenance, treatment and special treatment of
persons in such institutions who are suffering from poliomyelitis or from impairment of muscular function as a result of having been infected with poliomyelitis, in such amounts, in such manner and at such times as the regulations prescribe. R.S.O. 1970, c. 377, s. 61.

92.—(1) Whenever any householder knows or has reason to suspect that any person in his family or household or boarding or lodging with him has any communicable disease, he shall, within twelve hours, give notice thereof to the secretary of the local board or to the medical officer of health.

(2) The notice may be given to the secretary or to the medical officer of health at his office, or by letter addressed to either of them and mailed within the time above specified, and the secretary of the local board shall forthwith transmit to the medical officer of health notice of each case of communicable disease reported to him.

(3) Every such notice filed with the medical officer of health shall be transmitted forthwith by him to the secretary of the local board and shall be included in the weekly report required to be sent to the Ministry under section 24. R.S.O. 1970, c. 377, s. 62; 1972, c. 1, s. 1.

93.—(1) No householder in whose dwelling any communicable disease occurs shall permit any person suffering from or exposed to such disease to leave, or any clothing or other property to be removed from, his house without the consent of the medical officer of health, who may forbid such removal or prescribe the conditions thereof.

(2) Milk bottles and other containers used in the delivery of milk and that may be used again for the same or any other purpose shall not be returned from or taken away from any premises under quarantine for any communicable disease until the quarantine has been raised, and they shall then be removed in such manner as the medical officer of health directs and, before being refilled or used for any other purpose, they shall be disinfected by live steam in such manner as the regulations require.

(3) Every person in a house when a communicable disease exists therein, and every person who during the period of quarantine enters such house, shall be deemed to be exposed to the disease.

(4) It is the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife and
every person in charge of a maternity hospital, every household, and every person in charge of a child, to see that such requirements as are prescribed by this Act or by the regulations are duly complied with in respect of ophthalmia neonatorum, trachoma, inflammation of the eyes of the newborn, or other communicable diseases of the eyes.

(5) It is the duty of every physician, medical officer of health, superintendent of a hospital, nurse, midwife or other person in charge of a maternity case in which the death of a mother takes place from causes directly or indirectly associated with pregnancy or parturition forthwith to report such death and the causes thereof according to the regulations. R.S.O. 1970, c. 377, s. 63.

94.—(1) Whenever any legally qualified medical practitioner knows, or has reason to suspect, that any person whom he is called upon to visit is infected with any communicable disease, he shall within twelve hours give notice thereof to the medical officer of health of the municipality in which the diseased person is.

(2) This section applies to the medical superintendent or person in charge of any general or other hospital in which there is known to him to be a patient suffering from any communicable disease.

(3) Subsection (1) applies to any person registered and practising as a drugless practitioner under the Drugless Practitioners Act. R.S.O. 1970, c. 377, s. 64.

95.—(1) Where a communicable disease is found or suspected to exist in a municipality, the medical officer of health and local board shall use all possible care to prevent the spread of infection or contagion by such means as in their judgment is most effective for the public safety.

(2) The medical officer of health or local board, when it is considered necessary to prevent the occurrence or spread of a communicable disease, may direct that any school or seminary of learning, or any church or public hall or other place used for public gatherings or entertainment in the municipality, be closed and may prohibit all public assemblies in the municipality, and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor be reopened without the permission of the medical officer of health. R.S.O. 1970, c. 377, s. 65.
96. Subject to the regulations, where smallpox is found or suspected to exist in a municipality or where there is a danger of the spread of smallpox from another jurisdiction or where persons in a municipality have been exposed to smallpox, the medical officer of health and the local board may require the vaccination, revaccination or quarantine of such persons or classes of persons as may be designated by the regulations. R.S.O. 1970, c. 377, s. 66.

97. The Lieutenant Governor in Council may designate that section 96 shall apply with necessary modifications to territory without municipal organization in such manner and under such conditions as may be prescribed by the regulations. R.S.O. 1970, c. 377, s. 67.

98. Where by the regulations this section is made applicable in respect of a communicable disease, the medical officer of health or the local board shall, as required by the regulations, isolate persons having such disease, persons who are or may be contacts therewith and persons who are or may be carriers thereof, and shall forthwith and as provided by the regulations quarantine the house or premises in which such disease exists or in which such persons are isolated. R.S.O. 1970, c. 377, s. 68.

99.—(1) If any person in a municipality is infected or has recently been infected with, or exposed to, a communicable disease to which this section is made applicable by the regulations, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house, or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessaries for him.

(2) The municipality is entitled to recover from such person the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessaries for him, but not the expenditure incurred in providing a separate house or in otherwise isolating him. R.S.O. 1970, c. 377, s. 69.

100.—(1) The medical officer of health shall take such steps as are necessary for the public safety with respect to any person in the municipality who in the opinion of the medical officer is a carrier of the germs of a communicable disease to which this section is made applicable by the regulations.
Examination

(2) The medical officer of health may require any person in the municipality whom he believes to be such a carrier to submit to such clinical or laboratory examination or investigation as may be necessary to determine whether such person is a carrier.

Orders and directions

(3) The medical officer of health may give such orders or directions to any such carrier as he considers necessary to prevent the spread of the disease, and may direct such person to be isolated in any premises or locality, and may prohibit such person from residing in any premises or engaging in any work that in the opinion of the medical officer is likely to cause the spread of the disease, and may do all such acts as are necessary to enforce the carrying out of any such order, direction or prohibition. R.S.O. 1970, c. 377, s. 70 (1-3).

Recovery of expense incurred through neglect or refusal to carry out Act

101. Where, owing to the refusal or neglect of the medical officer of health, the local board or the municipality, a communicable disease is brought into another municipality which incurs expense in preventing the spread of such communicable disease, the municipality in default shall pay to the municipality incurring such expense the whole amount thereof, and it is recoverable as a debt in any court of competent jurisdiction. R.S.O. 1970, c. 377, s. 71.

Removal of patients

102. No person suffering from a communicable disease to which this section is made applicable by the regulations shall be removed at any time except by permission and under direction of the medical officer of health, nor shall any occupant of any house in which there exists any such communicable disease change his residence to any other place without the consent of the medical officer of health or without complying with such conditions as he prescribes. R.S.O. 1970, c. 377, s. 72.

Power to enter premises

103. The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may enter in and upon any house, outhouse or premises, in the day time, for the purpose of making inquiry and examination with respect to the state of health of any person therein, and cause any person found therein who is infected with a communicable disease to be removed to a hospital or some other proper place. R.S.O. 1970, c. 377, s. 73.
104.—(1) Where there is reason to suspect that a person suffering from a communicable disease to which this section is made applicable by the regulations is in or upon any railway car, street railway car, steamboat, vessel or other conveyance, the medical officer of health or public health inspector of the municipality, or any member of the local board, may enter such conveyance and cause such person to be removed therefrom, and may detain the conveyance until it is properly disinfected, or such officer or member may, if he thinks fit, remain on or in or re-enter and remain on or in such conveyance, with any assistance he may require, for the purpose of disinfecting it, and his authority continues in respect of such person and conveyance notwithstanding that the conveyance is taken into another municipality.

(2) The expense incurred for medical attendance, care, nursing, maintenance and all costs for disinfection shall be paid by the owner of the conveyance in which such person is found.

(3) Any legally qualified medical practitioner or public health inspector authorized by the Ministry has the same authority as a medical officer of health under this section. R.S.O. 1970, c. 377, s. 74; 1972, c. 1, s. 1.

105. Where a communicable disease is reported or discovered in a dwelling house or outhouse occupied as a dwelling and such house or outhouse is in a filthy and neglected state, the medical officer of health may, at the expense of the municipality, compel the inhabitants of the dwelling house or outhouse to move therefrom, and may place them in sheds or tents or other proper shelter in some more suitable situation until measures can be taken under the direction and at the expense of the municipality for the immediate cleansing, ventilation, purification and disinfection of such dwelling house or outhouse. R.S.O. 1970, c. 377, s. 75.

106. No person recovering from a communicable disease to which this section is made applicable by the regulations, and no nurse who has been in attendance on any such person, shall leave the premises or expose himself in any public place, street, shop, inn or public conveyance until he has received from the medical officer of health a certificate that in his opinion such person or nurse has taken such precautions as to his person, clothing and all other things that he proposes to bring from the premises as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact. R.S.O. 1970, c. 377, s. 76.
107. Every such person and nurse shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things that have been exposed to infection, such measures as are prescribed by the regulations or by the medical officer of health. R.S.O. 1970, c. 377, s. 77.

108. No person suffering from or having recently recovered from a communicable disease to which this section is made applicable by the regulations shall mingle with the general public, and no person having access to any such person, except the attending physician and clergyman, shall do so, until such sanitary precautions as are prescribed by the medical officer of health have been complied with. R.S.O. 1970, c. 377, s. 78.

109.—(1) No person suffering from or having recently recovered from a communicable disease to which this section is made applicable by the regulations shall expose himself, nor shall any person expose any one under his charge who is so suffering from any such disease in a railway car, street railway car, steamboat, vessel or other conveyance, without having previously notified the owner or person in charge of the conveyance of the fact of his having such disease.

(2) The owner or person in charge of any such conveyance shall not, after the entry of any infected person into his conveyance, allow any other person to enter it without having sufficiently disinfected it under the direction of the medical officer of health or public health inspector. R.S.O. 1970, c. 377, s. 79.

110. No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey a communicable disease without having first taken such precautions as the medical officer of health directs for removing all danger of communicating such disease to others. R.S.O. 1970, c. 377, s. 80.

111. No person shall let or hire, or permit to be occupied, any house or room in a house in which a communicable disease has recently existed without having caused the house and premises used in connection therewith to be disinfected to the satisfaction of the medical officer of health, and, for the purpose of this section, the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or house. R.S.O. 1970, c. 377, s. 81.
112. No person letting for hire, or showing for the purpose of letting for hire, any house or part of a house, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there previously having been therein any person, animal or thing suffering from or liable to be infected by a communicable disease, shall knowingly make a false answer to such question. R.S.O. 1970, c. 377, s. 82.

113.—(1) No common carrier shall knowingly accept for transportation or carry in Ontario, except under and subject to the regulations, any person suffering from a communicable disease to which this section is made applicable by the regulations, or any infected article or articles of clothing, bedding or other property whatsoever.

(2) No carrier shall knowingly accept for transportation or carry in Ontario the body of a person who has died of a communicable disease, except under and subject to the regulations.

(3) Every person contravening the provisions of this section is guilty of an offence and on conviction is liable to a fine of $100. R.S.O. 1970, c. 377, s. 83.

114.—(1) Whenever a communicable disease exists in a house or household in which there is a person who is a student or pupil in, or a teacher or other person employed in any capacity in or about a university, college, school or other institution of learning, the householder shall, within twelve hours after the time such disease is known to exist, notify the principal, superintendent, head teacher or other person in charge of such institution, and also the medical officer of health, of the existence of such disease, and the person suffering therefrom shall not attend or be employed at such institution until a certificate has been obtained from the medical officer of health that he may safely do so.

(2) Whenever a local board, or any of its officers or members, are aware of the existence in a house of a communicable disease, they shall at once notify the principal, superintendent, head teacher or other person in charge of any university, college, school or other institution of learning at which any member of the household is in attendance, either as a student or pupil, or in or about which he is employed as a teacher or in any other capacity, and none of such last-mentioned persons shall, after such notice, be permitted to attend, or be employed or be in or about, such institution until the certificate mentioned in subsection (1) is obtained and presented.
(3) Whenever a professor, lecturer, instructor or teacher in any such institution of learning has reason to suspect that any other professor, lecturer, instructor or teacher in, or any student or pupil of, or any person employed in or about, such institution is suffering from a communicable disease or that there exists in a household of which he is a member any communicable disease, such first-mentioned person shall notify the medical officer of health thereof and shall not permit the attendance of the person suffering from such disease, if under his direction or control, until the medical officer of health certifies that such attendance may be safely allowed.

(4) No student or pupil having suffered from a communicable disease shall be allowed to attend any such institution of learning within the minimum period prescribed by the regulations.

(5) Whenever a communicable disease exists in a boarding school or other institution in which pupils are received for tuition and boarded or lodged, the head of the institution or the person in charge thereof shall immediately isolate the person suffering from such disease and any person in attendance upon him, and, within twelve hours after the disease is known to exist, shall notify the medical officer of health and shall not permit the person so suffering or any person in attendance upon him to mingle with the other pupils or inmates of the institution until the medical officer of health has certified that he may safely do so. R.S.O. 1970, c. 377, s. 84.

NUISANCES

115. Any condition existing in a locality that is or may become injurious or dangerous to health or that prevents or hinders or may prevent or hinder in any manner the suppression of disease shall be deemed a nuisance within the meaning of this Act. R.S.O. 1970, c. 377, s. 85.

116. Without restricting the general application of section 115 and for greater particularity,

(a) any premises or part thereof so constructed or in such a state as to be injurious or dangerous to health;

(b) any street, pool, ditch, gutter, water-course, sink, cistern, water or earth closet, privy, urinal, cesspool, drain, dung pit or ash pit, so foul or in such a state or so situated as to be injurious or dangerous to health;
(c) any well, spring or other water supply that is injurious or dangerous to health;

(d) any stable or other building in which animals are kept in such a manner or in such numbers as to be injurious or dangerous to health;

(e) any accumulation or deposit of refuse wherever situate that is injurious or dangerous to health;

(f) any deposit of offensive matter, refuse, offal or manure contained in uncovered trucks or wagons at a station or siding or elsewhere so as to be injurious or dangerous to health;

(g) any work, manufactory, trade or business so situated as to be injurious or dangerous to health;

(h) any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or in which insufficient air space is allowed for each inmate to comply with the regulations;

(i) any schoolhouse, public or private, factory, shop or other building that is not in a clean state or free from effluvia arising from a drain, privy, water or earth, closet, urinal or other nuisance, or that is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein that are injurious or dangerous to health, or that is so overcrowded as to be injurious or dangerous to the health of those employed or being therein;

(j) any fireplace or furnace, the fires of which do not, so far as practicable, consume the smoke arising from the combustible matter used therein for working engines or used in a mill, factory, dye-house, brewery, bakehouse or gas works, or in any manufacturing or trade process whatever;

(k) any chimney emitting smoke in such quantity as to be injurious or dangerous to health; and

(l) any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to health,

shall be deemed nuisances within the meaning of this Act. R.S.O. 1970, c. 377, s. 86.
117.—(1) The medical officer of health of a municipality or any inspector or other person in the employ of the local board acting under his instructions may enter any premises in the municipality, and an inspector appointed under section 3 may enter any premises, at all reasonable times and inspect and examine the premises for the purpose of carrying out this Act and may take such action as he considers necessary for carrying it out including, where he finds that a condition exists in or about the premises that,

(a) is dangerous or is likely to become dangerous to health or safety; or

(b) hinders or is likely to hinder the prevention, mitigation or suppression of disease,

the making of an order that the premises be closed and remain closed until the condition no longer exists in or about the premises, and any person in charge of the premises for the time being shall render such assistance as is necessary to make such entry, inspection and examination.

Form of order closing premises

(2) An order closing premises under subsection (1),

(a) shall be in writing and shall include written reasons for the order; and

(b) may be directed to the owner or a person in charge of the premises.

Revocation of order

(3) The person who has issued an order closing premises pursuant to subsection (1) may by a further order revoke the order and in such case shall serve or cause to be served a copy of the order on the person to whom the order closing the premises was directed. 1974, c. 61, s. 11, part.

Interpretation

R.S.O. 1980, c. 20

118.—(1) In this section and in sections 119 and 120, “Board” means the Health Facilities Appeal Board under the Ambulance Act.

Notice

(2) An order closing premises referred to in subsection 117 (2) shall inform the person to whom it is directed that the owner or the person in charge of the premises is entitled to a hearing by the Board if he mails or delivers to the person who made the order and to the Board, within fifteen days after a copy of the order is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Effect of order

(3) Notwithstanding that a hearing is required in respect of an order closing premises, the order is effective at and
from the time it is served upon the person to whom it is
directed and is further effective until revoked or as confirmed
or varied or until rescinded as provided by subsection (4) and such
person shall comply with the order immediately.

(4) Where the owner or the person in charge of the premises
requires a hearing by the Board in accordance with sub-
section (2), the Board shall appoint a time and place for and
hold the hearing and the Board may by order confirm, alter
or rescind the order and for such purposes the Board may sub-
stitute its finding for that of the person who made the order
closing the premises. 1974, c. 61, s. 11, part.

(5) The Board shall hold a hearing under this section
within fifteen days after receipt by the Board of the notice
in writing requiring the hearing and the Board may, from
time to time, at the request or with the consent of the
person requiring the hearing, extend the time for holding
the hearing for such period or periods of time as the Board
considers just. 1974, c. 87, s. 4.

(6) The Board may extend the time for the giving of notice
requiring a hearing by the owner or a person in charge of the
premises under this section either before or after the expiration
of such time where it is satisfied that there are prima facie
grounds for granting relief to the owner or a person in charge
of the premises pursuant to a hearing and that there are
reasonable grounds for applying for the extension, and the
Board may give such directions as it considers proper
consequent upon the extension. 1974, c. 61, s. 11, part.

119.—(1) The person who has made the order closing
the premises pursuant to section 117, the owner or person in
charge of the premises who has required the hearing and such
other persons as the Board may specify are parties to pro-
cedings before the Board under this Act.

(2) Notice of a hearing under section 118 shall afford the
owner or person in charge of the premises a reasonable
opportunity to show before the hearing that the condition
referred to in section 117 does not exist or no longer exists in or
about the premises.

(3) Any party to proceedings under section 118 shall be
afforded an opportunity to examine before the hearing any
written or documentary evidence that will be produced or
any report the contents of which will be given in evidence
at the hearing.

(4) Members of the Board holding a hearing shall not
have taken part before the hearing in any investigation or

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Powers of Board

Time for hearing

Extension of time for requiring hearing

Parties

Notice of hearing

Examination of documentary evidence

Members holding hearing not to have taken part in investigation, etc.
consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the Statutory Powers Procedure Act.

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1974, c. 61, s. 11, part.

120.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board’s record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order closing
the premises and to substitute its finding as to the condition of the premises for that of the person who made the order closing the premises as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order closing the premises or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1974, c. 61, s. 11, part.

121. Where a medical officer of health, inspector or other person in making an inspection or examination under section 117 finds that any premises are used for the accommodation of aged or infirm persons, or children between the ages of three years and sixteen years, for gain or reward, he may give such orders or directions as, in his opinion, are necessary to ensure that such persons receive proper care and treatment and, in the event that his orders and directions are not carried out, he may order that the premises cease to be used for such accommodation. R.S.O. 1970, c. 377, s. 88.

122.—(1) Every medical officer of health shall ensure that the municipality or location for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance.

(2) If upon such examination he finds any premises in a filthy or unclean state or that any matter or thing is there that, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the premises and to remove or destroy what is so found therein. R.S.O. 1970, c. 377, s. 89.

123. Where the owner of any premises wherein a nuisance exists is unknown or does not reside in the municipality and the premises are unoccupied or the occupant is unable to remove the nuisance, the medical officer of health or the local board may, without previous notice, immediately cause the nuisance to be abated. R.S.O. 1970, c. 377, s. 90.

124. Where, under this Act, the regulations or a municipal by-law, a local board or a medical officer of health or public health inspector removes anything that is likely to be injurious to or to become or cause or is a nuisance, such thing shall be subject to the disposition of the local board or, if the officer is acting under a by-law of a
municipal council, is subject to the disposition of the council, and the owner of such thing has no claim in respect thereof. R.S.O. 1970, c. 377, s. 91.

125.—(1) Wherever the local board or medical officer of health is satisfied of the existence of a nuisance, the medical officer of health shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which it arises, requiring him to abate it within a time to be specified in the notice and to execute such works and do such things as may be necessary for that purpose.

(2) Where the nuisance arises from the want or the defective construction of a structural convenience or where there is no occupier of the premises, notice shall be served on the owner.

(3) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises and it is therefore improper that the owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the municipality. R.S.O. 1970, c. 377, s. 92.

126. Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place outside the municipality, the local board of the municipality affected shall cause an inspection to be made and, when necessary, shall take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part any proceedings authorized by this Act in relation to nuisances with the same incidents and consequences as if such act or default were committed or took place wholly within its jurisdiction. R.S.O. 1970, c. 377, s. 93.

127.—(1) If, on investigation by the local board, a nuisance is found to exist and if, after the board has required its removal or abatement within a specified time, the board finds that default in removal or abatement has been made and the case appears to the local board to involve the expenditure or loss of a considerable sum of money or serious interference with a trade or industry or other considerations of difficulty, the Ministry at the request of the local board may investigate and report upon the case. R.S.O. 1970, c. 377, s. 94 (1); 1972, c. 1, s. 1.
(2) If the report of the Ministry recommends the removal or abatement of the nuisance, the local board or any ratepayer residing in the municipality, or within 1.6 kilometres thereof, may apply to a judge of the Supreme Court for an order for the removal or abatement of the nuisance, and to restrain the proprietors of any such industry from carrying on the same until the nuisance has been abated to the satisfaction of the Ministry, and the judge may make such order upon the report of the Ministry or upon such further evidence as he considers meet. R.S.O. 1970, c. 377, s. 94 (2); 1972, c. 1, s. 1; 1978, c. 87, s. 20 (1).

(3) The Judges' Orders Enforcement Act applies to every order made by a judge under this section. R.S.O. 1970, c. 377, s. 94 (3).

128.—(1) Where the owner or occupier of any premises in which a nuisance exists fails, after due notice, to abate it, the medical officer of health or public health inspector may enter the premises and take such steps as may be necessary to abate it.

(2) All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, and are recoverable from both the owner and the occupier for the time being of the premises.

(3) If the costs and expenses incurred in abating the nuisance are not paid by the owner or occupier within one month after a demand of payment, a statement of the amount of the costs and expenses and of the person by whom and the premises—respect of which they are payable shall be delivered to the clerk of the municipality who shall insert the amount in the collector’s roll, and may be collected in like manner as municipal taxes.

(4) The occupier for the time being of the premises may deduct any money recovered or collected from him that, as between him and the owner, the latter ought to pay out of the rent then due or from time to time becoming due in respect of the premises.

(5) An occupier shall not be required to pay any further sum than the amount of rent for the time being due from him or that, after demand of such costs or expenses and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by the occupier unless he refuses truly to disclose the amount of his rent and the name
and address of the person to whom it is payable, and the burden of proof that the sum demanded from the occupier is greater than the rent due by him at the time of such notice, or that has since accrued, is on the occupier. R.S.O. 1970, c. 377, s. 95.

129. — (1) Where such removal or abatement involves the loss or destruction of property to the value of $2,000 or more, no determination or order of the Ministry or of a local board for the removal or abatement shall be enforced except by order of a judge of the Supreme Court.

(2) The order may be made upon the application of the Ministry or of the local board. R.S.O. 1970, c. 377, s. 96; 1972, c. 1, s. 1.

OFFENSIVE TRADES

130. Any person who, without the consent of the local board or of the municipal council, establishes a trade or business or manufacture for,

(a) blood boiling;
(b) bone boiling;
(c) refining coal oil;
(d) extracting oil from fish;
(e) storing hides;
(f) soap boiling;
(g) tallow melting;
(h) tripe boiling;
(i) slaughtering animals;
(j) tanning hides or skins;
(k) manufacturing gas;
(l) manufacturing glue;
(m) manufacturing fertilizer from dead animals or from human or animal waste,
or any other trade, business or manufacture that is or may become offensive or that is by the regulations declared
to be a noxious or offensive trade, business or manufacture, is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $250 in respect of the establishment thereof and to a fine of not less than $20 for every day on which, after notice in writing by the local board or an officer thereof to desist, such business, trade or manufacture is carried on, whether there has or has not been any conviction in respect to its establishment. R.S.O. 1970, c. 377, s. 97.

131. Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse, in a municipality, except on premises approved of by the medical officer of health, is guilty of an offence and on conviction is liable to a fine of not less than $10 and not more than $50, and the continuance of the offence for each week after conviction shall be considered a separate offence. R.S.O. 1970, c. 377, s. 98.

MEDICAL AND DENTAL INSPECTION IN SCHOOLS

132.—(1) For the purposes of this section and section 133, “school board” means a board having charge over a public, separate, or secondary school.

(2) A school board may enter into an agreement with the local board of a municipality or health unit to provide for the medical and dental inspection and dental treatment of pupils by the local board of the pupils of the school or schools under the charge of the school board.

(3) Where an agreement is entered into by a local board under subsection (2), it has full power and authority to and, until otherwise determined by the school board, shall provide medical and dental inspection of the pupils of the schools mentioned in the agreement in accordance with this or any other Act relating thereto and any regulations made under this or any such other Act, and shall do and perform all acts, matters and things necessary for the purpose.

(4) It is not necessary for the purposes of subsection (2) for an agreement entered into under it to provide for medical and dental inspection of the pupils of all schools in the charge of a school board or for all the schools in a municipality, but the agreement may relate to the pupils only of any one or more of such schools.

(5) Where a school board is desirous of entering into an agreement with a local board under subsection (2)
and the local board refuses to enter into it, the Minister, upon the application of the school board and after hearing the representations of the local board and if satisfied that the standards established under this Act for medical and dental inspection of pupils can be provided for, may direct the local board to enter into the necessary agreement and provide for such inspection. R.S.O. 1970, c. 377, s. 99.

133.—(1) Any school board may enter into an agreement with a county to provide for the employment by and at the expense of the county of public health nurses, school medical officers and dental officers in the schools under the control of the school board.

(2) Where an agreement is entered into under this section and no school medical officer is appointed by the county, the medical officer of health having jurisdiction in the place where the schools are located shall direct and control the activities of the public health nurses so employed.

(3) Where an agreement does not provide for a service in the schools of all the local municipalities forming part of the county, the county may levy the cost against the local municipalities in which the service is provided. R.S.O. 1970, c. 377, s. 100.

INSPETION OF LODGING HOUSES, LAUNDRIES, ETC.

134.—(1) The medical officer of health or any public health inspector acting under his instructions may, at any reasonable time, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where he has reason to suspect that it is overcrowded or occupied by more persons than is reasonably safe for their health. R.S.O. 1970, c. 377, s. 101 (1); 1974, c. 87, s. 6.

(2) If upon such examination it is found that the premises are occupied by more persons than is reasonably safe for the health of the occupants or that the sleeping rooms are such that seventeen cubic metres of air space cannot be provided for each occupant, or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there that, in the opinion of the medical officer of health founded on his own inspection or on the report of the public health inspector, may endanger the public health or the health of the occupants, the medical officer of health may order the owner or occupant to remove the inmates from the premises, or to
remove that which causes the premises to be filthy or unclean and put the rooms in a condition fit for human habitation. R.S.O. 1970, c. 377, s. 101(2); 1975, c. 61, s. 13; 1978, s. 87, s. 20 (2).

135.—(1) Where in the opinion of the medical officer of health any premises are so situated, so constructed or so improperly lighted, or in any other respect of such a character or in such a condition as to be unfit for human habitation or dangerous to health, he may cause the premises to be closed and may affix a notice thereon in a prominent place setting forth the reason for the closing and that the premises are closed by order of the medical officer of health, and no person shall pull down or deface such notice or use the premises closed as a dwelling or cause the same to be so used. R.S.O. 1970, c. 377, s. 102.

(2) The provisions of subsections 117 (2) and (3) and sections 118, 119 and 120 apply with necessary modifications where an order is made under subsection (1). 1974, c. 87, s. 7.

INSPECTION OF DAIRIES, ETC.

136.—(1) The medical officer of health may make, or cause to be made by a food and dairy inspector or other competent person approved by the Ministry, an inspection, periodical or otherwise, of all dairies, cheese factories, creameries, dairy farms, slaughter-houses and other lands or premises wherein or from which any milk, cream, cheese, butter, meat or other product intended for human consumption is produced, handled, stored, made, processed, packed, bottled, distributed or delivered, and if upon or as a result of any such inspection he finds that any such building, land or premises, or the equipment, machinery, works or other part of the plant therein, or any other matter or thing therein, is in a filthy or unclean state or that the operations carried on therein are not or cannot be carried on in a sanitary manner, or that persons are employed therein who from incompetency, uncleanliness or otherwise are not proper to be employed therein so that from, or by reason of any such matters or things the public health may be endangered, he may order the owner or occupant of such building, land or premises to remedy such matters or things to his satisfaction and, until such time as he is satisfied that such matters or things are remedied, he may prohibit or regulate the distribution, delivery, sale or offering for sale of any products from such building, land or premises. R.S.O. 1970, c. 377, s. 103 (1); 1972, c. 1, s. 1.
(2) When any of the products mentioned in subsection (1) are distributed or delivered from or are made in any of the buildings, land or premises mentioned in that subsection and are sold or offered for sale in a municipality other than the one in which the building, land or premises is situate, the medical officer of health of such other municipality may with respect thereto exercise the powers conferred by subsection (1) and may prohibit or regulate the distribution, delivery, sale or offering for sale of such products in the municipality in which he is the medical officer of health. R.S.O. 1970, c. 377, s. 103 (2).

(3) A copy of an order made under subsection (1) and a notice of a prohibition or regulation under subsection (1) or (2) shall be served upon the owner or the person in charge of the building, land or premises in respect of which the order, prohibition or regulation is made.

(4) The provisions of subsections 117 (2) and (3), subsections 118 (1), (2), (4) and (6) and sections 119 and 120 apply with necessary modifications where an order, prohibition or regulation is made under subsection (1) or (2), and the provisions of subsection 118 (3) apply with necessary modifications where such a-prohibition or regulation is made. 1974, c. 87, s. 8.

(5) Any person contravening the terms of any order, prohibition or regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than $5 and not more than $100 for each offence, and any product distributed, delivered, sold or offered for sale in contravention of any such prohibition or regulation may upon the order of the convicting court be confiscated and destroyed. R.S.O. 1970, c. 377, s. 103 (4).

PASTEURIZATION OF MILK

137.—(1) No person shall sell, offer for sale or deliver in any city or town, or in any other municipality or other area to which, by order in council made upon the recommendation of the Minister, this section is made applicable, milk that has not been pasteurized in a pasteurization plant to which the Ministry has issued a certificate of approval in the prescribed form.

(2) This section does not apply to milk brought into any such city, town, municipality or area by the producer and sold by wholesale to a distributor, nor to products of milk prepared in a plant and by methods approved by the Ministry.
(3) Any medical officer of health, public health inspector, food and dairy inspector and any person authorized by a medical officer of health may, without laying any information or obtaining any warrant, seize and remove any milk sold, offered for sale or delivered, including any container in which such milk is found, for the purpose of causing an analysis of such milk to be made.

(4) Any person who contravenes any of the provisions of this section is guilty of an offence and on conviction is liable to a fine of not less than $25 and not more than $500. R.S.O. 1970, c. 377, s. 104; 1972, c. 1, s. 1.

WATERWORKS AND SEWERAGE

138.—(1) Where the Ministry reports in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system or an adequate water purification plant, or a sewer or a sewerage system, or an adequate sewage treatment plant should be established or continued, or that any existing waterworks system, water purification plant, sewer or sewerage system, or sewage treatment plant should be improved, extended, enlarged, altered, renewed or replaced, it is not necessary to obtain the assent of the electors to a by-law for incurring a debt for any of such purposes.

(2) Where the Ministry has reported as provided by subsection (1), the council of the municipality shall forthwith pass all necessary by-laws for the establishment of the works reported upon and the municipality shall immediately commence the work and carry it to completion without unnecessary delay.

(3) The by-law shall not be finally passed until the approval of the Ministry has been obtained to the work to be done as hereinbefore provided and it shall recite such approval. R.S.O. 1970, c. 377, s. 105; 1972, c. 1, s. 1.

ICE SUPPLIES

139.—(1) The local board of a municipality in which supplies of ice are obtained, sold and stored may adopt such regulations regarding the source of supply and the place of storage of the ice as are, in its opinion, best adapted to secure the purity of the ice and prevent injury to the public health, and for the supervision of ice supplies, whether obtained in or outside the municipality, whenever the ice is intended for use in the municipality in which the board has jurisdiction.
(2) No ice shall be cut from any lake, river, stream, pond or other water for the purpose of being sold or used for domestic purposes unless a permit therefor has been first obtained from the local board, and no person shall sell or deliver or dispose of in any way any ice for domestic purposes without first obtaining a permit therefor from the local board, and the local board may refuse a permit or revoke any granted by it when in its judgment the use of any ice cut or sold or to be cut or sold for domestic purposes under the permit is or would be detrimental to the public health.

(3) Every local board shall enforce the regulations of the Ministry and may prohibit the sale and use of any ice in the municipality when, in its judgment, the ice is unfit for use or the use of it would be detrimental to the public health.

(4) The local board may prohibit and, through its officers, prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the municipality and may in the same manner prevent the sale of any such ice for domestic purposes in the municipality when, in its judgment, the ice is unfit for use or the use of it would be detrimental to the public health. R.S.O. 1970, c. 377, s. 106; 1972, c. 1, s. 1.

INSPECTION OF ANIMALS, MEAT, ETC.

140.—(1) A medical officer of health, food and dairy inspector or public health inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man, and, if such article appears to him to be diseased or unsound or unwholesome or unfit for food for man, he may seize and carry away the article, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man.

(2) The person to whom the article belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the article was found, is guilty of an offence and on conviction is liable to a fine of not less than $10 and not more than $100 for every such article, unless he proves that he did not know and had no means of knowing the condition of the article.
(3) Where it is charged upon a prosecution under this section that an animal, or the meat or milk of an animal, is affected with a disease named in section 2 of the Animal Disease and Protection Act (Canada), or with wens, clyers, actinomycosis or osteosarcoma or any disease of a cancerous nature, the medical officer of health may make, or cause to be made, or request the Ministry to make, such scientific examination of the animal, meat or milk suspected of being diseased as may enable it to be determined whether or not such disease exists, and the Minister may instruct an officer of the Ministry to make such examination or cause it to be made.

(4) The expenses of such examination, together with a fee not exceeding $10, shall be certified by the Deputy Minister and is payable by the treasurer of the municipality in which the animal, meat or milk is found.

(5) In a prosecution under this section, the burden of proof that an article in respect of which the charge is laid is not kept for sale or intended for food for man is upon the person charged.

(6) No person shall manufacture or bottle for sale as food for man any beverage such as carbonated water, natural and artificial mineral water, spring and distilled water, unfermented wine or cordials, concentrated syrup, extracts, essence, fruit juice or any dry substance in concentrated form for the manufacture of any beverage, brewed ginger beer, or other non-intoxicating drink, without first obtaining a permit in writing so to do from the medical officer of health and the local board of the municipality in which the manufacturing or bottling is to be conducted.

(7) When the medical officer and local board of health desire to cancel a permit, they shall give notice in writing of the cancellation to the person or the agent of the person to whom the permit was issued, and the cancellation does not become effective until thirty days after receipt of the notice by the person or agent.

(8) Such permit may be refused and, if granted, may be cancelled or revoked for failure to comply with the regulations pertaining to the building, equipment and methods of manufacture or bottling of such beverage, or if such beverage upon analysis is found to be contaminated or contain any injurious ingredients, or for other cause is found to be unfit for food. R.S.O. 1970, c. 377, s. 107; 1972, c. 1, s. 1.
Feeding certain things to hogs

141.—(1) Whenever a medical officer of health, food and dairy inspector or public health inspector knows or has reason to believe that blood, offal or the meat of any dead animal that has not been previously boiled or steamed when fresh or before becoming putrid or decomposed or that, although boiled or steamed, is putrid or decomposed has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal.

(2) The owner, or person in charge of, or any person, found feeding any such blood, offal or meat to hogs is guilty of an offence and on conviction is liable to a fine of not less than $5 and not more than $50 and, upon his conviction, the medical officer of health shall order the hogs, whether dead or alive, to be destroyed or so disposed of as to prevent them from being exposed for sale or used for food for man.

(3) In a prosecution under this section in which it is proved that blood, offal or decomposed meat was found upon the premises, the burden of proof that it was not intended to be fed to hogs is upon the person charged. R.S.O. 1970, c. 377, s. 108.

Cooking of garbage

142. Any person who cooks garbage or other refuse that has been collected or otherwise obtained from other persons, except on premises approved by the medical officer of health, is guilty of an offence and on conviction is liable to a fine of not less than $10 and not more than $50, and the continuance of the offence for each week after conviction shall be considered a separate offence. R.S.O. 1970, c. 377, s. 109.

Inspection of slaughter houses

143.—(1) Every butcher and other person selling meat shall, on the request of the medical officer of health, make an affidavit as to the place at which the slaughter of his meat is carried on and, where it is outside the municipality, such place shall be open to inspection by the medical officer of health, food and dairy inspector or by an inspector appointed by the council of the municipality in which the meat is offered for sale.

(2). In the case of the refusal or neglect to make such affidavit or permit such inspection, the local board may give notice in writing to the butcher or other person to discontinue the sale of meat in the municipality.

(3) If after receiving such notice the butcher or other person sells or offers for sale any meat in the municipality,
he is guilty of an offence and on conviction is liable to a fine of not more than $20. R.S.O. 1970, c. 377, s. 110.

144.—(1) Any person who knowingly sells, or has in his possession with intent to sell as food for man, the meat of a calf less than three weeks old is guilty of an offence and on conviction is liable to a fine of not less than $10 and not more than $50.

(2) In a prosecution under this section in which it is proved that the meat of a calf less than three weeks old was found upon the premises, the burden of proof that it was not intended as food for man is upon the person charged. R.S.O. 1970, c. 377, s. 111.

MUNICIPAL SLAUGHTER-HOUSES, ABATTOIRS, ETC.

145.—(1) The council of a city or town may by by-law provide for the establishment in the municipality, or in an adjoining municipality whose council has by by-law sanctioned its establishment therein, of a public slaughter-house or abattoir with proper cattle-yards and pens in connection therewith for the proper keeping therein of animals intended for slaughter, and for charging fees for the use thereof.

(2) Every such slaughter-house, abattoir, cattle-yard and pen shall be constructed, equipped and regulated in conformity with the regulations. R.S.O. 1970, c. 377, s. 112.

146. The local board of the city or town by which the slaughter-house, abattoir, cattle-yard or pen is established has the supervision of it and is responsible for the due carrying out of the regulations, and the costs of the supervision and inspection shall be paid from time to time by the treasurer of the city or town out of the fees charged on the order of the local board. R.S.O. 1970, c. 377, s. 113.

147. Such local board may employ one or more persons, approved of by the medical officer of health, to inspect at the slaughter-house, abattoir, cattle-yard or pen all animals, carcasses and meat brought into the municipality and intended for food for man. R.S.O. 1970, c. 377, s. 114.

148. Any meat-packing establishment is subject to inspection in the same manner as a municipal slaughter-house or abattoir. R.S.O. 1970, c. 377, s. 115.
USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

149. Any person who obstructs, hinders, delays or prevents an officer of the Ministry, or any local board or a member thereof, medical officer of health or public health inspector, or any person employed by or acting under the direction of any of them in the exercise of any of the powers conferred, or performance of any of the duties imposed upon them by this Act or by the regulations, or in carrying out any order lawfully given by them, is guilty of an offence and on conviction is liable to a fine of not less than $25 and not more than $100. R.S.O. 1970, c. 377, s. 116; 1972, c. 1, s. 1.

FINES AND THE RECOVERY THEREOF

150.—(1) Any person who contravenes any of the provisions of sections 92 to 114 for which no other penalty is provided is guilty of an offence and on conviction is liable to a fine of not less than $25 and not more than $100. R.S.O. 1970, c. 377, s. 118 (1).

(2) Any person who contravenes any other provision of this Act or of the regulations for which no other penalty is provided or of the by-law in Schedule B or of any municipal by-law passed under this Act, or who wilfully disobeys or neglects to carry out any order or direction lawfully made or given by the Ministry, an inspector appointed under section 3, a local board, medical officer of health or public health inspector, is guilty of an offence and on conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

(3) Where a corporation is convicted of an offence under subsection (2), the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

(4) Where a corporation has been convicted of an offence under subsection (2),

(a) each director of the corporation; and

(b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he had no knowledge of any of the acts constituting the offence,
and could not reasonably be expected to have had such knowledge and that he exercised reasonable diligence to prevent the commission of the offence. 1974, c. 61, s. 12.

(5) Where a person has been convicted of an offence under this Act or under any regulation or by-law enacted or in force thereunder, and the offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance or other unsanitary condition that it is such person’s duty to remove, or of the erection or construction of anything contrary to this Act or any regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to the person to make good the omission or neglect, or to remove the nuisance or unsanitary condition, or to remove the thing that has been erected or constructed contrary to this Act or to such regulation or by-law, and default is made in respect thereof, the person offending may be convicted for such default and is liable to the same punishment as was or might have been imposed for the original offence, and so on, from time to time, as often as after another conviction, a new notice is given and the default continues, and, in case of a third or subsequent conviction, it is not necessary in the information, conviction or other proceedings to make any reference to any conviction, except the first, or to any notice except that in respect of which the proceedings are then being taken.

(6) Every person who sells either publicly or privately any of the biological products supplied to the public free of charge by the Ministry is guilty of an offence and on conviction is liable to a fine of $100 and, in default of payment thereof, is liable to imprisonment for a term of three months.

(7) Every person who sells either publicly or privately any report or information received from the Ministry relating to any test of water or milk, and every person who charges any fee for any such report or information, is guilty of an offence and on conviction is liable to a fine of $100, and, in default of payment thereof, is liable to imprisonment for a term of not more than three months. R.S.O. 1970, c. 377, s. 118 (3-5); 1972, c. 1, s. 1.

151.—(1) Subject to the Administration of Justice Act, every fine removed under this Act where the prosecution
is by or at the instance of a municipality, or the local board, or the medical officer of health or other health officers of the municipality, shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board.

(2) Where the prosecution is at the instance of the Ministry or of any provincial officer or where the offence was committed in territory without municipal organization, the fine shall be paid to the Treasurer of Ontario. R.S.O. 1970, c. 377, s. 120; 1972, c. 1, s. 1.

152. Where any act or omission is a contravention of any express provision of this Act and is also a contravention of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a conviction shall not be made under both for the same act or omission. R.S.O. 1970, c. 377, s. 121.

153. The Lieutenant Governor in Council may appoint one or more provincial analysts for the purposes of this and every other Act in which a provincial analyst is mentioned. R.S.O. 1970, c. 377, s. 122.

154. In a prosecution under this Act or the regulations, upon production of a certificate or report signed or purporting to be signed by a provincial analyst as to the analysis or ingredients of any milk or water, or any upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, such certificate or report is prima facie evidence of the facts stated therein and of the authority of the person giving or making the certificate or report without any proof of appointment or signature. R.S.O. 1970, c. 377, s. 123.

155. Where a person who is unable from poverty or other sufficient cause to comply with any of the provisions of this Act or of the regulations gives notice of such inability to the medical officer of health, and the local board on examination is satisfied of such inability, the secretary thereof shall give his certificate to that effect, and such certificate is a bar to all proceedings against such person for a period of six months. R.S.O. 1970, c. 377, s. 124.
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STATUTORY BY-LAW

156.—(1) Subject to section 12, the by-law in Schedule B shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality may pass by-laws with the approval of the Minister for making additional requirements in respect of any matters dealt with by the by-law in Schedule B.

(2) The council of any municipality may, with the approval of the Minister, amend the by-law in Schedule B for the purposes of such municipality so as to conform to the requirements of the municipality or to meet such special circumstances as, in the opinion of the Minister, may warrant such amendment and, subject to section 12, every such amendment has the same force and authority as a regulation made by the Minister.

(3) The Lieutenant Governor in Council may make regulations,

(a) prescribing that the by-law in Schedule B, or any of the matters dealt with therein, shall apply with necessary modifications to territory without municipal organization or any area forming a part thereof designated by the regulations;

(b) amending the by-law in Schedule B,

(i) so as to conform with the requirements of any area mentioned in clause (a), or

(ii) to meet such special circumstances as may warrant such amendment, or

(iii) for making additional requirements in respect of any matter mentioned in Schedule B.

R.S.O. 1970, c. 377, s. 125.

157. The board of health of a health unit or the council of a municipality that does not form part of a health unit may pass by-laws,

(a) for governing and regulating public swimming pools;

(b) for licensing public swimming pools and prescribing conditions therefor, including a fee for each licence, and for revoking such licences; and

(c) for prohibiting the use of public swimming pools unless licensed. R.S.O. 1970, c. 377, s. 126.
158.—(1) Where the Minister reports to the Lieutenant Governor that on account of the prevalence in a municipality of a communicable disease it would be dangerous to hold an election in the municipality, the Lieutenant Governor in Council may, of his own motion or upon the application of the council of the municipality, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone the election if, in the opinion of the Minister, the necessity for postponement continues.

(2) The Lieutenant Governor may, by the proclamation, name the days for holding the nomination and polling, but, if no days are named therefor, the council shall as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name the days for the nomination and polling. R.S.O. 1970, c. 377, s. 127.

UNORGANIZED TERRITORY

159. Sections 160 to 166 apply only to territory without county or regional or district municipality organization. R.S.O. 1970, c. 377, s. 128.

160.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations,

(a) respecting any industry and the conditions under which the industry may be carried on for the purpose of preventing nuisances and the outbreak or spread of disease;

(b) providing for the cleansing, regulating and inspection of lumbering camps and of mining camps and railway construction works and of other places where labour is employed;

(c) providing for the inspection of houses and premises;

(d) providing for the employment of legally qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed;

(e) respecting the entering into, adoption, establishment, operation, termination or suspension of,
(i) any contract for the employment of a legally qualified medical practitioner to undertake the medical and surgical care and treatment of employees of one or more employers of labour mentioned in this section,

(ii) any scheme or arrangement for the medical and surgical care and treatment of employees of one or more employers of labour mentioned in this section, or

(iii) any scheme or arrangement for the hospital care and treatment of employees of one or more employers of labour mentioned in this section who are not residents as defined by the regulations under the Health Insurance Act and who are not entitled to receive insured services under a hospitalization plan administered by or under the authority of the government of another province pursuant to an agreement made by that province with the Government of Canada under the Hospital Insurance and Diagnostic Services Act (Canada),

and prescribing the forms to be used and reports to be made to the Minister;

(f) prescribing, with respect to the deductions referred to in section 161, the amount thereof, the method of collection, the accounting therefor, the reports to be made in connection therewith, and providing for the inspection of employers' books and the conditions of payment to a legally qualified medical practitioner or other person entitled to receive such payments.

(2) The regulations may be general in their application or may be made applicable specially to any particular locality or industry.

(3) The expenses of carrying out the regulations shall be paid to the person entitled thereto by the persons whose duty it is to carry out such regulations, and the amount so to be paid shall be apportioned by the Minister among them as he considers proper, and every amount so apportioned shall be deemed to be a debt due from the person and may be recovered by the person entitled thereto by action in any court of competent jurisdiction.

(4) If default is made in complying with any of the regulations, the Ministry may direct that what is omitted
to be done shall be done at the expense of the person in default and, if the default is the failure to employ a legally qualified medical practitioner as provided by clause (1)(d), the employing person is liable to pay the reasonable expenses incurred by any employee for medical attendance and medicines, and for his maintenance during his illness.

(5) Where any regulation has been made by the Minister with the approval of the Lieutenant Governor in Council under this section relating to territory without municipal organization, the regulation may provide for the imposing of fines for the contravention of any regulation made under this section and every such fine is recoverable under the *Provincial Offences Act*. R.S.O. 1970, c. 377, s. 129; 1972, c. 1, s. 1.

161.—(1) Where an employer of labour mentioned in section 160,

(a) has entered into a medical contract for the employment of a legally qualified medical practitioner to undertake the medical and surgical care and treatment of his employees; or

(b) has established a scheme or entered into an arrangement for the medical and surgical care and treatment of his employees,

under which the employer is responsible for the provision of the medical and surgical care and treatment for a period not exceeding thirty days in respect of each illness or disability, the employer may, with the approval of the Minister, deduct the amount prescribed by the regulations, but not exceeding $1.50 per month, from the wages of each employee.

(2) Where an employer of labour mentioned in section 160 has established a scheme or entered into an arrangement referred to in subclause 160 (1) (e) (iii), he may deduct monthly the amount prescribed as the premium rate payable by a single person by the regulations under the *Health Insurance Act* from the wages of each employee entitled to the care and treatment under the scheme or arrangement.

(3) Any scheme or arrangement referred to in subsection (2) shall provide hospital care and treatment so long as it is medically necessary for a period not exceeding ninety days whether the employee is hospitalized in Ontario or in another province or territory of Canada. R.S.O. 1970, c. 377, s. 130.
162. Every constable is ex officio a public health inspector for the locality for which he is appointed. R.S.O. 1970, c. 377, s. 131.

163. The Superintendent of the Algonquin Park is ex officio a medical officer of health for the Park and for the territory surrounding it for the distance of 1.6 kilometres therefrom or from any part thereof, and all the park rangers, whether employed temporarily or otherwise, are ex officio public health inspectors under this Act for the Park and such territory. R.S.O. 1970, c. 377, s. 132; 1978, c. 87, s. 20 (3).

164. The Lieutenant Governor in Council may appoint medical officers of health and every such officer, in the locality for which he is appointed, has all the powers and shall perform all the duties by this Act or any other Act conferred or imposed upon medical officers of health or local boards of health, and shall also perform such other duties as the Lieutenant Governor in Council directs. R.S.O. 1970, c. 377, s. 133.

165. The Minister may, with the approval of the Lieutenant Governor in Council, appoint in any of the unorganized districts one or more public health inspectors, who possess, in addition to the powers conferred upon public health inspectors by this Act, all the powers conferred upon local boards of health by section 31. R.S.O. 1970, c. 377, s. 134.

166. The medical officer of health and the public health inspectors shall be paid such salary or other remuneration as is determined by the Lieutenant Governor in Council out of the appropriation made by the Legislature for the purposes of the Ministry. R.S.O. 1970, c. 377, s. 135; 1972, c. 1, s. 1.

167.—(1) Where a municipality in a territorial district,

(a) does not form part of a health unit; and

(b) does not provide full-time public health services,

the Minister may enter into an agreement with the council of the municipality to provide full-time public health services.

(2) The agreement mentioned in subsection (1) shall specify the services to be rendered and the charges to be made for such services. R.S.O. 1970, c. 377, s. 136.
168. Notwithstanding any other provision of this Act, any order or notice required under this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where the order or notice is served by registered mail, the service shall be deemed to have been made on the seventh day after the day of mailing unless the person to whom the order or notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order or notice until a later date. 1974, c. 87, s. 10.
SCHEDULE A
(Section 84 (2))

PUBLIC HEALTH NOTICE

Take notice that, by virtue of the Public Health Act and the regulations made thereunder, possession has been taken (or obtained, as the case may be) of the following lands (or buildings, as the case may be), namely,

(Reasonable Description)

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act or regulations from and after the date hereof for a period of ........................................... or such other time as may, in the discretion of the undersigned, be necessary.

Dated, etc.

(Signature)


SCHEDULE B
(Sections 14 (6), 156)

BY-LAW IN FORCE IN EVERY MUNICIPALITY UNTIL ALTERED BY THE MUNICIPAL COUNCIL

1. The medical officer of health shall assist and advise the local board of health and its officers in matters relating to public health, and superintend the enforcement and observance within the municipality of health by-laws or regulations, and of public health Acts, and of any other sanitary laws, and perform such other duties and lawful acts for the preservation of the public health as are, in his opinion, necessary, or as are required by the Ministry of Health for Ontario. He shall also present to the said board, before the 31st day of January in each year, a full report upon the sanitary condition of the municipality during the preceding calendar year.

2. The public health inspector, besides performing the duties imposed by this by-law, shall assist the medical officer of health, and perform such other duties as are from time to time assigned to him by the local board of health or the medical officer of health.

3. The chairman of the local board of health shall, before the 15th day of February in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality as rendered to the board by the medical officer of health. A copy of each such report shall be transmitted by the secretary to the Ministry.
4. No person shall within the municipality suffer the accumulation upon his premises, or deposit or permit the deposit upon any land belonging to him of anything that may endanger the public health, or deposit upon, on or into any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer or water, any manure or other refuse, or vegetable or animal matter or other filth.

5. The public health inspector shall keep a vigilant supervision over all streets, lanes, by-ways, lots or premises upon which any such accumulation may be found, and at once notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter or filth in any street, lane or by-way to cleanse the same and to remove what is found thereon. Such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the local board of health or medical officer of health, all premises occupied by persons residing within the municipality, and shall report to the board every contravention of any of the provisions of this by-law or of any other regulation for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

6. Whenever it appears to the local board or to any of its officers that it is necessary for the preservation of the public health or for the abatement of anything dangerous or injurious to the public health, or whenever a notice signed by one or more inhabitant householders of the municipality is received stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cesspool, ash-pit or cellar kept or constructed so as to be dangerous or injurious to the public health or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water or other matter or thing is kept so as to be dangerous or injurious to the public health, the public health inspector shall enter such building or premises for the purpose of examining the same, and if necessary shall order the removal of such matter or thing. If the occupant or owner or his lawful agent or representative having charge or control of such building or premises, after having had twenty-four hours notice from any such officer to remove or abate such matter or thing, neglects or refuses to remove or abate the same, he is subject to the fines mentioned in subsection 150 (2) of the Public Health Act.

7. If the local board is satisfied upon due examination that a cellar, room, tenement or building within the municipality, occupied as a dwelling place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a communicable disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous or injurious to the health of the occupants, or of the public, the board may give notice in writing to such occupants, or any of them, requiring the premises to be put in proper sanitary condition, or requiring the occupants to quit the premises within such time as the board deems reasonable. If the person so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending is liable to the fines mentioned in subsection 150 (2) of the Public Health Act and the board may cause the premises to be properly cleansed at the expense of the owners or occupants or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling place until put into proper sanitary condition.
8. No person shall at any time use any house, shop or out-house as a slaughter-house or as a place for slaughtering animals or fowl therein, unless such shop, house or out-house is distant not less than 180 metres from any dwelling house and not less than forty-five metres from any public street.

9. All slaughter-houses within the municipality are subject to inspection under the direction of the local board of health, and no person shall keep any slaughter-house unless the permission in writing of the board for the keeping of such slaughter-house has been first obtained and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the slaughter-house shall be so kept as to comply with the regulations of the Ministry respecting slaughter-houses, and upon such condition being broken the permission may be revoked by the board, and all animals to be slaughtered, and all fresh meat exposed for sale in the municipality are subject to like inspection.

10. All milch cows, cow stables and dairies, and all places in which milk is sold or kept for general use, and all cheese factories and creameries are subject to inspection under the direction of the board, and the proprietors shall obtain permission in writing from the board to keep any such dairy or other place in which milk is sold or kept or to keep a cheese factory or creamery, and the same shall not be kept by any person without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places are so kept and conducted that the milk will not contain any matter or thing liable to produce disease, either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other cause, and upon such condition being broken, such permission may be revoked by the board.

11. No person shall offer for sale within the municipality, as food, any diseased animal, or any meat, fish, fruit, vegetables, milk or other article of food which, by reason of disease, adulteration, impurity or other cause, is unfit for use.

12. The owner of every house within the municipality shall provide for the occupants of the house a sufficient supply of water for drinking and sanitary purposes, and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the local board of health to determine as to the same. If the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant, and if not, by the owner, and in either case such expense is recoverable in the same manner as municipal taxes.

13. If the local board of health or the medical officer of health certifies that any well should be filled in or otherwise treated, such well shall be dealt with accordingly by the owner or occupant of the premises. Pending compliance with the order of the local board of health or the local medical officer of health, the local medical officer of health shall take such measures as in his judgment may be necessary to prevent the use of water from such well. No well shall be used as a privy, privy-vault or cesspool.

14. The owner of every house, apartment and place of business within the municipality shall provide for the occupants, employees and customers adequate sanitary closets and toilet accommodation.
15. All putrid and decaying animal or vegetable matter shall be removed from all cellars, buildings, out-buildings and yards on or before the 1st day of May in each year.

16. Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning it or by placing it in a properly covered receptacle, the contents of which shall be removed at least twice in every week.

17. All restaurants or eating houses operated in the municipality shall have wash rooms and toilets, one for males and one for females, for the accommodation of the public.

18. Swine shall not be kept within the municipality except in pens with floors kept free from standing water and regularly cleansed and disinfected and distant at least thirty metres from any dwelling house, schoolhouse or church.

19. The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit more than two wagon-loads of manure to accumulate in or near his stable at any one time, and shall at all times keep such manure in a proper covered receptacle.

20. No house shall be built upon any site, the soil of which has been made up of any refuse, unless the soil has been removed from the site and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes or covered with a layer of concrete at least fifteen centimetres thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

21. The medical officer of health or the secretary of the local board of health shall provide each legally qualified medical practitioner practising within the municipality with blank forms on which he shall report cases of communicable disease to the medical officer of health, officer or secretary, and, also, with other blank forms on which to report death or recovery from any such disease.

22. All such forms shall be printed, gummed and folded so that they may be readily sealed, without the use of an envelope, and shall call for the following information:

Report of Communicable Disease.

Given name and surname of patient:
Age of patient:
Locality [giving street, number of house or lot] where patient is:
Name of disease:
Name of school attended by children from that house:
Measures employed for isolation and disinfection:

(Signature of physician)
Report of Death or Recovery from Infectious Disease.

Given name and surname of patient:

Locality (giving street, number of house or lot) where patient is:

Name of disease:

How long sick:

Whether dead or recovered:

Means of disinfection employed, and when employed:

23. The medical officer of health, within six hours after he has received notice of the existence in any house of any communicable disease or the presence of any communicable disease contacts in respect of which it is his duty to do so, shall affix or cause to be affixed near the entrance of such house, in plain view of the public, a card at least thirty centimetres wide and twenty-two centimetres long, stating that such premises are under quarantine on account of such disease and the penalty for the affixing or removal of such card without the permission of the medical officer of health, and no person shall affix or remove any such card without his permission.

24. No animal suffering from any communicable disease shall be brought or kept within the municipality, except by permission of the medical officer of health.

R.S.O. 1970, c. 377, Sched. B; 1972, c. 1, s. 1; 1974, c. 61, s. 13; 1978, c. 87, s. 20 (4).

SCHEDULE C

Pharmacopoea Internationalis
The British Pharmacopoeia
The Pharmacopoeia of the United States of America
Codex Francais
The Canadian Formulary
The British Pharmaceutical Codex
The National Formulary

R.S.O. 1970, c. 377, Sched. C.