1973

c 77 The Day Nurseries Amendment Act, 1973

Ontario

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The Day Nurseries Amendment Act, 1973, SO 1973, c 77

Repository Citation
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CHAPTER 77

An Act to amend The Day Nurseries Act

Assented to June 22nd, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause a of section 1 of The Day Nurseries Act, being chapter 104 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 1, is repealed and the following substituted therefor:

(a) "approved corporation" means a corporation,

(i) that has been approved under section 2b, and

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

(2) Clause d of the said section 1 is repealed.

(3) Clause e of the said section 1 is amended by striking out "or" at the end of subclause vi, by adding "or" at the end of subclause vii and by adding thereto the following subclause:

(viii) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 6b of The Ministry of Community and Social Services Act.

(4) Clauses f and h of the said section 1 are repealed and the following substituted therefor:

(f) "Director" means a director appointed for the purposes of this Act;
(h) "Minister" means the Minister of Community and Social Services.

(5) Clause m of the said section 1 is repealed.

2. Section 2b of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 3, is repealed and the following substituted therefor:

2b. Where the Minister is satisfied that any corporation with financial assistance under this Act is financially capable of establishing, maintaining and operating a day nursery and that its affairs are carried on under competent management in good faith, he may approve such corporation for the payment of grants under this Act and the regulations.

3. (1) Subsection 1 of section 2c of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 3, is amended by striking out "by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister" in the second, third and fourth lines and inserting in lieu thereof "or revoked by the Minister".

(2) Subsection 2 of the said section 2c is amended by striking out "before recommending to the Lieutenant Governor in Council revocation of" in the third, fourth and fifth lines and inserting in lieu thereof "revoking" and by striking out "Department of Social and Family Services" in the ninth line and inserting in lieu thereof "Ministry of Community and Social Services".

(3) Subsection 5 of the said section 2c is amended by striking out "recommend revocation of" in the third line and inserting in lieu thereof "revoke".

4. (1) Subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 93, section 3 and amended by 1971 (2nd Session), chapter 11, section 4, is further amended by inserting after "per cent" in the second line "or such higher percentage as the regulations prescribe".

(2) Subsection 3 of the said section 3, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 4, is amended by inserting after "per cent" in the second line "or such higher percentage as the regulations prescribe" and by striking out "for retarded children" in the fifth line.
5. Subsection 1 of section 3a of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 5, is repealed and the following substituted therefor:

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

6. Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor:

(1) The Director shall perform the duties vested in him by this or any other Act.

7. Section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 25, is amended by adding thereto the following subsection:

(8) Notwithstanding section 21 of The Statutory Powers Procedure Act, 1971, the Board shall reach a final decision or order and send notice thereof within ninety days from the date that the notice under section 9 or 10, as the case may be, requesting the hearing, has been received by the Board.

8. Section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 25, is repealed and the following substituted therefor:

14.—(1) Where, in the opinion of the Director, there is a threat to the safety or welfare of the children cared for in a day nursery, the Director shall,

(a) give such direction or directions in writing as he considers necessary to the operator or to any person on the premises of the day nursery who appears to be directly in charge of the children being cared for, directing the operator or person in charge, as the case may be, immediately or within such period of time as the Director specifies to eliminate the threat to the safety or welfare of the children or to protect the children therefrom,

and may,
(b) direct in writing that the day nursery shall not be used as a day nursery until his direction or directions are complied with.

(2) Where the Director gives a direction under clause b of subsection 1, he may,

(a) notify the parents or guardians of the children enrolled in the day nursery of the direction; and

(b) cause to be affixed to the premises of the day nursery a notice in a prescribed form and no person except the Director or a provincial supervisor designated under section 15 shall remove the notice unless authorized by the Director or a provincial supervisor.

(3) Notwithstanding section 10, where a direction is given by the Director under subsection 1, any licence for the day nursery shall thereby be suspended without a hearing until the Director is satisfied that the direction has been complied with and thereafter the provisions of section 10 apply as if the direction were a notice of a proposal to revoke the licence under subsection 1 of section 10.

9. Clause cb of section 16 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 11, section 7, is repealed and the following substituted therefor:

(cb) prescribing classes of corporations with members that may be approved under section 2b, and specifying corporations not members of such classes that are approved under section 2b;

(cc) prescribing classes of payments and higher percentages of the costs for the purpose of determining the amount of a payment or the amount of a class or classes of payments, for the purposes of section 3.

10. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor:

(1) Every person who contravenes or fails to comply with subsection 1 of section 6 or a direction of the Director under section 14 is guilty of an offence and on summary conviction is liable to a fine of not less than $20 and not more than $500 for each day on which such offence continues.

11. The said Act is amended by adding thereto the following section:
17a.—(1) The Director may apply to a judge of the Supreme Court by originating notice for an order enjoining any person from continuing any act or default for which such person was convicted under subsection 1 of section 17, and the judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection 1.

12.—(1) This Act, except subsections 1, 2 and 5 of section 1, sections 2 and 3, subsection 2 of section 4 and sections 5 and 9, comes into force on the day it receives Royal Assent.

(2) Subsections 1, 2 and 5 of section 1, sections 2 and 3, subsection 2 of section 4 and sections 5 and 9 come into force on a day to be named by the Lieutenant Governor by his proclamation.

13. This Act may be cited as The Day Nurseries Amendment Act, 1973.