




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 16, 2021
SUBJECT/REPORT NO:	Residential Care Facility - Inspection Log Report (PED21168) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Adam Palmieri (905) 546-2424 Ext. 5438
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the draft By-law, attached as Appendix “A” to Report PED21168 to amend Schedule 20 – Residential Care Facilities of Licensing By-law 07-170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the official inspection log, attached as Appendix “B” to Report PED21168 to be used by City staff and posted in Residential Care Facilities in accordance with the licensing requirements, be approved.

EXECUTIVE SUMMARY

As part of Licensing and By-law Services’ (LBS) continuous improvement efforts, staff are implementing a process which captures the City inspections of Residential Care Facilities (RCFs) and is posted in a location which is readily viewable and accessible by all inspecting agencies and visitors to the RCFs.

The amending By-law, attached as Appendix “A” to Report PED21168, creates a new definition of “inspection log” and makes it a requirement for operators to post the inspection log in a conspicuous location.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The *Municipal Act, 2001*, provides a municipality with the authority to regulate; including license any business, wholly or partly, carried out within its jurisdiction. The justifications for licensing certain types of businesses generally relates to the Health and Safety as well as consumer protection.

The City of Hamilton currently regulates RCFs under Schedule 20 of the Licensing By-law 07-170 (By-law). RCFs have been part of this By-law since consolidation in 2009. RCFs are licensed as a method of protecting the health and safety of the members who utilize the services provided within the business and to ensure consistency for all business owners within the schedule. RCFs are inspected by multiple City agencies during the year including but not limited to Hamilton Fire, Public Health and LBS.

To ensure transparency for residents and operators about inspections and the results of those inspections, Staff recommend amending Schedule 20 of the Licensing By-law 07-170 to include a requirement to post inspection logs at RCFs in a viewable and accessible location.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Fire, Public Health and Legal Services were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton currently has over 90 licensed RCFs which receive a semi-annual and annual inspection. During these inspections, occasional deficiencies are found, and compliance is required. A consistent and standard City issued document displayed prominently in a readily accessible location for tracking inspections will allow for greater transparency to the residents regarding the current status of the RCF – “in compliance” or “not in compliance.”

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The inspection log will be used to track all inspections done at the RCF by a Licensing Compliance Officer (Officer) defined under the By-law. This will apply to the annual, semi-annual and other inspections performed by an Officer. Upon re-inspection from the investigating Officer, the document will then be updated to reflect the current status of the home being “in compliance” or “not in compliance”. This document will be displayed in a viewable location and shall not be altered by anyone other than the inspecting Officer.

The intended goal of this document is to provide:

- Better accessibility to information for the residents at a single point of reference, on current operation of home and any violations that may currently exist;
- Better transparency between operators, residents and guests who reside in or frequent the facility; and,
- Better consistency in tracking compliance, on a standard City issued document.

ALTERNATIVES FOR CONSIDERATION

Council may decide that an Inspection Log is not a necessary requirement for RCFs, and that an amendment to Schedule 20 is not required.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21168 – Draft By-law to amend Business Licensing by-law 07-170

Appendix “B” to Report PED21168 – Residential Care Facility Inspection Log