

Authority: Item 11, Board of Health
Report 12-005 (11-008(a))
CM: October 10, 2012

Bill No. 219

CITY OF HAMILTON

BY-LAW NO. 12-

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law provides for amendments to Schedule 20 of By-law No. 07-170;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 1 of Schedule 20 of By-law No. 07-170 is amended by removing the lettering preceding each definition and by relettering the subsections under the definitions of “care services”, “drug”, “Officer”, “rehabilitative services” and “tenant of a facility” accordingly.
2. Section 1 of Schedule 20 of By-law No. 07-170 is further amended by deleting the definition of “residential care facility” and replacing it with the following new definition:

“residential care facility” means a residential complex that is:

- (a) occupied or intended to be occupied by four or more persons for the purpose of receiving care services, whether or not receiving the services is the primary purpose of the occupancy; or
 - (b) licensed or required to be licensed under the Retirement Homes Act, 2010, and the term “facility” has a corresponding meaning;
3. Schedule 20 of By-law No. 07-170 is amended by adding the following new section 2.1 after section 2:

2.1 The following provisions of this Schedule do not apply with respect to tenants subject to the Retirement Homes Act, 2010 but only to the extent that tenants of the same facility not subject to the Retirement Homes Act, 2010 are unaffected:

subsection 5(1)(e);

section 7;

subsection 12(c);

paragraphs 12(f)(ii) to (v);

subsection 12(g)

section 13 to the extent that the section applies to volunteers;

section 15;

section 16;

section 17;

sections 32 to 53.

4. Subsection 6(b) of Schedule 20 of By-law No. 07-170 is amended by adding the word “applicable” before “health”.

5. Subsection 12(a) of Schedule 20 of By-law No. 07-170 is amended by adding the word “applicable” before “provisions”.

6. Section 12 of Schedule 20 of By-law No. 07-170 is amended by adding following new subsection 12(j):

(j) where both tenants who are subject to the Retirement Homes Act, 2010 and tenants who are not subject to the Retirement Homes Act, 2010 reside in the facility, ensure that:

(i) an up-to-date list of tenants who are not subject to the Retirement Homes Act, 2010 is maintained; and

(ii) the person with the primary duty of supervising the tenants under paragraph 17(2)(b) provides the list and identifies tenants who are not subject to the Retirement Homes Act, 2010 immediately upon the request of an Officer.

7. Subsection 54(1) of Schedule 20 of By-law No. 07-170 is amended by adding the words “where that subsection is applicable” after “subsection 49(1)”.
8. Subsection 54(2) of Schedule 20 of By-law No. 07-170 is amended by adding the words “where that subsection is applicable” after “subsection 49(2)”.
9. This By-law comes into force on the day it is passed.

PASSED this 10th day of October, 2012.

R. Bratina
Mayor

R. Caterini
City Clerk