

REPORT

ADMINISTRATIVE SERVICES COMMITTEE

MEETING DATE: DECEMBER 5, 2016

FROM: Municipal Enforcement Services Department

DATE: November 22, 2016

SUBJECT: Group Home Registration By-law 2016-117

LOCATION: Town wide

WARD: Town wide

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RECOMMENDATION:

1. That By-law 2016-117, being a by-law to provide for the licensing of group homes in the Town of Oakville, attached as Appendix A to the report from the Municipal Enforcement Services department, dated November 22, 2016, be passed; and
2. That new licensing fees listed in Appendix B to the report from the Municipal Enforcement Services department, dated November 22, 2016, be approved, effective immediately, and such fees be included in the 2016 and 2017 Rates and Fees schedules.

KEY FACTS:

The following are key points for consideration with respect to this report:

- A deinstitutionalization of group homes occurred in 1978 – transitioning group homes to a more “homelike” environment
- Ministry’s including Children and Youth Services, Health and Long-Term Care, and Community Safety and Correctional Services are responsible for group homes
- Council and staff have received an increasing number of concerns related to group homes
- A review of licensing and zoning regulations was conducted
- Legal impacts of regulating group homes were reviewed
- A group home licensing by-law has been developed for Council’s consideration

BACKGROUND:

In March of 1978, the Ontario government established the Inter-ministerial Working Group on Group Homes comprised of representatives from the Ministries of Health, Community and Social Services, Correctional Services, Education, Housing,

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Treasury, Economics and Intergovernmental Affairs and the Secretariat for Social Development.

In June of 1978, the Ontario Secretariat for Social Development published the report of the Inter-ministerial Working Group on Group Homes. That report describes the intent of the group home initiative as transforming the care, supervision and treatment of individuals from an institutional character to something more "homelike".

The creation of group homes as a means to "deinstitutionalization wherever possible" was adopted as an approach to accommodating individuals outside of institutions by four provincial Ministries: the Ministry of Children and Youth Services, the Ministry of Health and Long-Term Care, the Ministry of Community and Social Services and the Ministry of Community Safety and Correctional Services.

In recent years, Council and staff have received an increasing number of concerns with respect to activities at local group homes. Under the existing operating paradigm, the town is not made aware of community group homes and cannot easily facilitate solutions to neighborhood concerns. To address this issue, staff have reviewed recent concerns, assessed existing regulations and developed a licensing by-law for Council's consideration.

COMMENT/OPTIONS:

How do Group Homes Work?

Group homes are operated and often owned by a private group home operator or service agency providing supervision and support services for residents. Provincial requirements and regulations are enforced through service agreements between the responsible Ministry and the group home operator, service agency or transfer payment agency. In all cases, the group home is regulated by the Ministry that is accountable for it. As such, the operators and agencies are subject to the specific requirements imposed through the service agreement with the Province.

Requirements may include quality assurance measures such as;

- A process to deal with resident concerns, which may include reporting complaints and actions taken to the regulating ministry
- Inspections by the regulating ministries to ensure compliance with the ministry standards including training of staff, documentations/files, interior maintenance of the home and overall safety

Where Are Group Homes Permitted?

Zoning by-law 2014-014 permits group homes in all residential zones. This is consistent with recent case law dealing with group home regulation.

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What Can Municipalities Do?

The *Municipal Act 2001* provides limited licensing authority to municipalities. A licensing program can only include the collection of a fee, business name, ownership and method of contact. Section 163 of the Act directs that a municipality shall not provide further conditions concerning the operation of a group home. In effect, a municipality is permitted to register but not regulate group homes operating in the community.

A municipality does have the ability to enforce property standard, noise, parking and other concerns when evidence of a violation is found.

Licensing By-law Analysis

As stated above, the *Municipal Act 2001* limits the scope of a licensing by-law to that of a registry. A municipality is unable to include additional regulations or withhold a group home licence. That said, collecting business name, ownership and contact information would allow municipal enforcement services to respond to community concerns related to group homes by connecting concerned residents with group home operators. In most cases, quick intervention by a group home operator will restore relations and assist with neighborhood cohesion.

Privacy Concerns

Ownership and contact information collected through the licensing process will not be provided to requestors without the consent of a group home operator but is subject to normal *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) requests.

Conclusion

Staff recommend the implementation of a group home licensing by-law to collect business name, ownership and contact details of group homes in Oakville to improve neighborhood cohesion (Appendix A).

CONSIDERATIONS:

(A) PUBLIC

Public Notice of the proposed by-law has been published in the Oakville Beaver, sent to affected stakeholders and posted on the Town website in accordance with the public engagement policy and guidelines.

(B) FINANCIAL

Licensing revenue and resource requirements are not anticipated to be significant. An application/renewal fee of \$93.00 has been established based on a cost recovery model. The recommended fee is included in Appendix B. No significant financial impacts are anticipated.

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(C) IMPACT ON OTHER DEPARTMENTS & USERS

N/A

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- continuously improve our programs and services
- provide outstanding service to our residents and businesses

(E) COMMUNITY SUSTAINABILITY

Improving neighborhood cohesion addresses the pillar of social sustainability.

APPENDICES:

Appendix A – Group Home Licensing By-law

Appendix B – Proposed Licensing Fee

Prepared and Submitted by:

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