Present: Mayor F. Eisenberger, Chair  
Deputy Mayor R. Pasuta, (Vice-Chair)  

Absent with regrets: Councillors L. Ferguson and R. Powers, Personal Commitment  
Councillor B. Morelli, City Business  
Councillor M. Pearson, Bereavement  

Also Present: Dr. J. Emili, Associate Medical Officer of Health  
R. Hall, Director, M. Baird, Health Protection Division  
L. Pasternak, Senior Solicitor, Legal Services  
V. Ormond, Co-Ordinator, Parking and By-law Services, Planning and Economic Development Department  
S. Goodman, Policy Planning Plus - Consultant  
I. Bediou, Legislative Assistant, City Clerk’s  

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:  

1. Residential Care Facilities Review, Schedule 20, Licensing Code By-Law 07-170 –SPH05032 (d) (City Wide) (Item 7.1)  
(Merulla/Bratina)  
(a) That the citizens’ comments and/or written submissions concerning the Residential Care Facilities Zoning By-law be received and referred to the Planning and Economic Development Department staff for review and consultation with Public Health Services staff;  
(b) That an analysis of stakeholder and citizen feedback be conducted by an outside consultant for report back to the Board of Health in May 2009.  
CARRIED  

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FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised there were no changes to the agenda.

(Bratina/Clark)
That the agenda be approved as presented.  

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) MINUTES (Item 3)

None

(d) Delegation Requests

See “Speakers List” below.

(e) Presentations

(i) Residential Care Facilities Review, Schedule 20, Licensing Code By-Law 07-170 –SPH05032 (d) (City Wide) (Item 7.1)

Rob Hall made a PowerPoint presentation which provided an outline of the report and a hand-out was distributed.

He thanked the Board of Health for having this meeting. He also thanked staff who were present and the public for providing their input.

His presentation included the following:

- Residential Care Facility Overview in Hamilton
- Stakeholder Consultation
- Purpose of the Special Board of Health public meeting
- Themes Emerging from Consultations to Date
- Changes Proposed
- Next Steps

Councillor Clark expressed the following concerns and requested that staff consider ways to address these issues:

- Ensuring that only qualified Residential Care Facilities staff are responsible for giving prescription drugs;

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• Prohibiting a Residential Care Facility owner from having power of attorney for a tenant, in order to avoid a conflict of interest; check with the Office of the Public Guardian and Trustee (of Ontario).

A discussion followed with respect to the following issues:

• The structural requirements of a Residential Care Facility;
• Inspection challenges when an owner holds licences for more than one facility;
• Cost recovery and the licence fees;
• Protection for someone submitting a complaint;
• An inspector’s right to enter a licensed premises vs. the tenants’ rights.

(Collins/McCarthy)
That the staff presentation be received.  

CARRIED

SPEAKERS LIST

(1) Kim Janjic, Director, Lakeview Retirement Centre, Inc.

Kim Janjic addressed the Board and copies of her verbal presentation were distributed. She expressed concerns that the tenants’ medical files may be inspected. She indicated that on February 28, 2006, Her Worship, Justice of the Peace W. Casey rendered sections of the City By-law unconstitutional and she submitted a copy of the Court Judgement for the Clerk’s record. She indicated that she is making this delegation on behalf of her tenants as they have asked that their files not be open to the City inspectors.

Staff were requested to confirm that both of the sections in the by-law which have been amended address the concerns of the court.

(2) Lance Dingman, Chairman of the Coalition of Residential Care Facilities Tenants and Housing Help Centre

Lance Dingman, Chairman of the Coalition of Residential Care Facilities Tenants and Housing Help Centre addressed the Board. A copy of his verbal presentation was included in the agenda. He indicated that the Coalition members are concerned that the Draft by-law does not incorporate clear changes in the following areas:
(i)  a confidential complaint process for the tenants;
(ii) stronger enforcement;
(iii) lockable storage (lockers) as a requirement in the rooms.

Staff were requested to consult with the coalition and report back on:

- lockable storage;
- improving the proposed complaint process;
- improving enforcement;
- establishing a residential tenants advocate.

Staff were further requested to include a section for a police report information on Appendix H to the proposed Guidelines and to consider codifying the severity of a complaint in a staff policy.

The Board received the delegations and referred the comments to Planning and Economic Development Department staff for review and consultation with the Public Health Services Staff for report back as outlined in Item 1 of this Report.

(f) Adjournment

(Whitehead/Jackson)
There being no further business, that the meeting be adjourned at 8:05 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger, Chair
Board of Health

Ida Bedioui
Legislative Assistant
Board of Health
February 4, 2009