

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 5947-07

GROUP HOME LICENSING BY-LAW

WHEREAS s. 163 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes the Council of a local municipality to pass by-laws providing for the licensing and annual renewal of licenses of group homes;

NOW THEREFORE the Council of the Corporation of the Town of Whitby hereby enacts as follows:

1. In this By-law:
 - (a) "Group Home" means a residence licensed or funded under a federal or provincial statute for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. A group home shall not include a crisis residence, a boarding or lodging house, a nursing home, a home for the aged or a retirement home.
 - (b) "Person" includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association.
 - (c) "Registrar" means the person designated by Council as the registrar of group homes.
 - (d) "Town" means The Corporation of the Town of Whitby and includes all areas within its territorial limits.
2. The Clerk of the Town of Whitby , and/or his designate, is hereby designated as the Registrar of group homes.
3. No Person shall operate a Group Home that is not licensed in accordance with this By-law.
4. No Person having an interest in land or in premises shall permit the operation on that land or in those premises of a Group Home that is not licensed in accordance with this By-law.

By-law No. 5947-07 (Continued)

5. Licensing of a Group Home shall be required on an annual basis.
6. The Registrar is authorized to license and to renew the license of a Group Home upon receipt of an application duly completed in the form from time to time prescribed by the Registrar together with the payment of a \$125.00 fee which fee may be amended from time to time by way of and set out in another by-law.
7. The Registrar shall maintain a record respecting each Group Home in respect of which an application for licensing has been made including:
 - (a) the name of each applicant for licensing;
 - (b) the municipal address of the premises in which the Group Home operates or is proposed to operate;
 - (c) the date on which the Group Home use commenced or is proposed to commence;
 - (d) the date of application for licensing;
 - (e) if applicable, the date of licensing;
 - (f) if applicable, the Group Home's status as a Correctional Group Home; and
 - (g) if applicable, the date of refusal for licensing and a brief summary of the reason(s) for refusal.
8. Licensing pursuant to this By-law neither confirms nor relieves any Person from compliance with all applicable law including, without limitation the Town's Zoning By-laws.
9. Each Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the *Provincial Offences Act*, R.S.O. 1990, as amended from time to time.
10. This By-law applies to all lands and premises within the Town.
11. References in this By-law to legislation, including regulations and municipal by-laws, shall include such legislation as from time to time amended including successor legislation.
12. In the event that any provision of this By-law is deemed invalid or void, in whole or in part, by any Court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

By-law No. 5947-07 (Continued)

SHORT TITLE

13. The short title of this By-law shall be the "Group Home Licensing Bylaw".

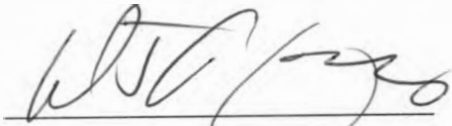
REPEAL OF EXISTING BY-LAW

14. By-law No. 5835-06 is repealed.

EFFECTIVE DATE

15. The provisions of this by-law shall come into force and take effect on the day of the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 24TH DAY OF JULY A.D., 2007.



Paul Jones, Clerk



Patricia Perkins, Mayor

