



The Regional Municipality of Durham

Health & Social Services Committee Agenda

Council Chambers
Regional Headquarters Building
605 Rossland Road East, Whitby

Thursday, April 4, 2019

9:30 AM

1. Declarations of Interest

2. Adoption of Minutes

- A) Health & Social Services Committee meeting – [March 7, 2019](#)

Pages 4 - 9

3. Statutory Public Meetings

There are no statutory public meetings

4. Delegations

- 4.1 Erin O'Reilly, Housing Options Specialist, Durham Association for Family Resources and Support, regarding issues of housing and affordability related to loved ones who have a developmental disability
- 4.2 Helena Finn-Vickers, Corporate Manager of Volunteer Resources and Spiritual & Religious Care, Lakeridge Health, and Sharon Hudson-Alipanopoulos, Volunteer Service Coordinator, Ontario Shores Centre for Mental Health Sciences, regarding the impact of volunteers involved in regional hospitals
- 4.3 Nathan Gardner, Partnership and Fund Development Manager, Community Development Council Durham, and Doreen Hume-McKenna, Durham Mental Health Services, regarding the results of the 2018 Point in Time Count
- 4.4 A.J. Kehoe, Durham Region resident, requesting all meetings of the Durham Nuclear Health Committee to be held in the Lower Level Boardroom of Region of Durham Headquarters

5. Presentations

- 5.1 Mary-Anne Petrusiak, Manager, Health Analytics & Research, and Jessica Jenkins, Manager, Population Health, regarding Making Children a Priority in our Health Neighbourhoods

6. Health

6.1 Correspondence

- A) Correspondence from the [Association of Local Public Health Agencies \(aLPHa\)](#) regarding the 2019 aLPHa Fitness Challenge for Board of Health Members

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Recommendation: For consideration

6.2 Reports

- A) New Regional Smoke-Free By-Law ([2019-MOH-2](#))
- B) Mandatory On-site Sewage System Maintenance Inspection Program – Lake Simcoe Protection Act, 2008 – Phase II ([2019-MOH-3](#))

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7. Social Services

7.1 Correspondence

7.2 Reports

- A) Children's Services Division Early Learning and Child Care Update with a focused Fee Subsidy Update and Statistical Report ([2019-SS-1](#))

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8. Advisory Committee Resolutions

There are no advisory committee resolutions to be considered

9. Confidential Matters

There are no confidential matters to be considered

10. Other Business

11. Date of Next Meeting

Thursday, May 9, 2019 at 9:30 AM

12. Adjournment

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

The Regional Municipality of Durham

MINUTES

HEALTH & SOCIAL SERVICES COMMITTEE

Thursday, March 7, 2019

A regular meeting of the Health & Social Services Committee was held on Thursday, March 7, 2019 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM

Present: Councillor Pickles, Vice-Chair
Councillor Anderson
Councillor Carter
Councillor Dies
Councillor Roy
Councillor Wotten
Regional Chair Henry left at 9:52 AM and came back at 10:19 AM

Absent: Councillor Chapman, Chair

Staff

Present: A. Andrews, Manager, Strategic Partnerships and Initiatives
E. Baxter-Trahair, Chief Administrative Officer
C. Boyd, Solicitor, Regional Solicitor's Office
A. Bridgeman, Solicitor, Regional Solicitor's Office
J. Dixon, Supervisor, Budgets and Finance
H. Drouin, Commissioner of Social Services
J. Finlayson, Manager, Corporate Communications
B. Goodwin, Director, Administration
D. Holmes, Director, Business Affairs and Financial Management
S. Howson, Administrative Assistant, Corporate Communications
R.J. Kyle, Commissioner and Medical Officer of Health
M. Laschuk, Director, Family Services
L. MacDermaid, Director, Long Term Care and Services for Seniors
E. MacDonald, Manager, Social Housing
L. McIntosh, Director, Children's Services
J. Moir, Deputy Chief, RDPS
K. O'Brien, Director, Income and Employment Support
N. Pincombe, Director of Business Planning, Economic Studies & Risk Management, Finance Department
N. Prasad, Committee Clerk, Corporate Services – Legislative Services
S. Rashad, Systems Support Specialist, Corporate Services – IT
N. Taylor, Commissioner of Finance
T. Tyner Cavanagh, Policy Advisor, Social Services
R. Woon, Solicitor, Regional Solicitor's Office

In the absence of Councillor Chapman, Chair, Councillor Pickles, Vice-Chair, assumed the Chair.

1. Declarations of Interest

There were no declarations of interest.

2. Adoption of Minutes

Moved by Councillor Carter, Seconded by Councillor Anderson,
(10) That the minutes of the regular Health & Social Services Committee meeting held on Thursday, February 7, 2019, be adopted.

CARRIED

3. Statutory Public Meetings

There were no statutory public meetings.

4. Delegations

There were no delegations to be heard.

5. Presentations

5.1 Dr. Hugh Drouin, Commissioner of Social Services, regarding the 2019 Business Plans and Budget Report for the Social Services Department (2019-SS-3) [Item 7.2B)]

H. Drouin, Commissioner of Social Services and N. Taylor, Commissioner of Finance, provided a PowerPoint Presentation regarding the 2019 Social Services Business Plans and Budget.

N. Taylor provided a brief overview of the Corporate Budget. She stated that the overall property tax impact guideline is 2.2% and identified the following key priorities of the corporate budget:

- Innovate operations and administration
- Respond to ongoing legislative and regulatory changes
- Invest in infrastructure renewal
- Manage the challenges of growth and affordability

Highlights of H. Drouin's PowerPoint Presentation included:

- Corporate Budget Overview
- Social Services Budget Overview
- 2018 Accomplishments
- 2019 Proposed Expenditures & Financing (\$333.7m)

- 2019 Priorities & Highlights
 - Operating
 - Capital
 - Staffing – Children’s Services
 - Staffing – Family Services
 - Staffing – Long Term Care
- 2019 Risks & Uncertainties
- 2019 Initiatives to Modernize & Find Service Efficiencies
- Future Budget Pressures

Staff responded to questions with regards to electronic charting at long term care homes; expanding support and services for issues related to human trafficking; ways to eradicate the long waiting list for child care; the Ontario Works case load; innovative housing networks; allocation of provincial subsidy for child care spaces; initiatives and partnerships in the community; and poverty reduction initiatives.

5.2 Dr. R.J. Kyle, Commissioner and Medical Officer of Health, regarding the 2019 Business Plans and Budget Report for the Health Department (2019-MOH-1) [Item 6.2 A)]

R.J. Kyle, Commissioner and Medical Officer of Health, provided a PowerPoint Presentation regarding the 2019 Public Health and Paramedic Services Business Plans and Budget.

Highlights of the PowerPoint Presentation with regards to Public Health included:

- 2018 Public Health Accomplishments
- 2018 Paramedic Services Accomplishments
- 2019 Proposed Expenditures & Financing – Public Health (\$55.0m)
- 2019 Proposed Expenditures & Financing – Paramedic Services (\$51.0m)
- 2019 Priorities & Highlights – Public Health
- 2019 Priorities & Highlights – Paramedic Services
- 2019 Risks & Uncertainties
- 2019 Initiatives to Modernize & Find Service Efficiencies
- Future Budget Pressures – Public Health
- Future Budget Pressures – Paramedic Services

Staff responded to questions with regards to budget allocation for safe consumption sites; statistics related to treatment centres; impact of changes proposed by the provincial government; whether there are programs funded through the LHIN; increase in paramedic services call volumes; realignment of how call volumes will be handled due to population growth; master plan for ambulance services; possibility of looking at joint facilities for paramedic and fire stations; and fleet numbers and life expectancy of paramedic vehicles.

6. Health

6.1 Correspondence

There were no communications to consider.

6.2 Reports

A) 2019 Health Department Business Plans and Budgets (2019-MOH-1)

Moved by Councillor Wotten, Seconded by Councillor Anderson,

(11) That we recommend to the Finance and Administration Committee for subsequent recommendation to Regional Council:

- A) That the 2019 Business Plans and Budgets for Public Health and Paramedic Services divisions of the Health Department be approved;
- B) That a by-law, generally in the form included as Appendix 1 to Report #2019-MOH-1, that amends Regional By-law 18-98 (as amended by By-laws 14-2007 and 01-2016), which establishes a tariff of fees on applications for and issuance of permits under the *Building Code Act, 1992*, effective April 1, 2019 be approved; and
- C) That a by-law, generally in the form included as Appendix 2 to Report #2019-MOH-1, that amends Regional By-law 19-98 (as amended by By-laws 31-98, 15-2007 and 02-2016), which establishes a tariff of fees and charges for certain services provided by the Health Department, under the *Planning Act*, effective April 1, 2019 be approved.

CARRIED

This item will be considered by the Finance and Administration Committee during budget deliberations scheduled to be held March 19 and 20, 2019 and subsequently forwarded to Regional Council.

7. Social Services

7.1 Correspondence

There were no communications to consider.

7.2 Reports

A) Supply and Service of Food Rethermalization Equipment for the Region of Durham's four (4) Long-Term Care Homes (2019-SS-2)

Report #2019-SS-2 from H. Drouin, Commissioner of Social Services, was received.

Moved by Regional Chair Henry, Seconded by Councillor Carter,
(12) That we recommend to Council:

- A) That a sole source contract with Burlodge Canada be negotiated at a total estimated cost not to exceed \$386,000 for a (5) five year period for the supply of the Multigenic brand food rethermalization equipment and the ongoing preventative maintenance and repair services of existing and new Multigenic brand food rethermalization equipment at a cost not to exceed \$120,000 in total for a period of five (5) years at the Region of Durham's four (4) Long-Term Care Homes subject to financing being approved in the Long Term Care Homes annual Business Plans and Budgets; and
- B) That the Commissioner of Finance be authorized to execute the contract.
CARRIED

B) 2019 Social Services Department Business Plans and Budgets (2019-SS-3)

Report #2019-SS-3 from H. Drouin, Commissioner of Social Services, was received.

Moved by Regional Chair Henry, Seconded by Councillor Carter,
(13) That we recommend to the Finance and Administration Committee for subsequent recommendation to Council:

That the 2019 Business Plans and Budgets of the Social Services Department be approved.

CARRIED

This item will be considered by the Finance and Administration Committee during budget deliberations scheduled to be held March 19 and 20, 2019 and subsequently forwarded to Regional Council.

C) Dissolution of Agreement with the Canadian Mental Health Association (CMHA) and Execution of a New Agreement with Boys and Girls Club of Durham for Youth Trustee Services (2019-SS-4)

Report #2019-SS-4 from H. Drouin, Commissioner of Social Services, was received.

Moved by Regional Chair Henry, Seconded by Councillor Carter,
(14) That we recommend to Council:

That the Regional Chair and Regional Clerk be authorized to execute an agreement with the Boys and Girls Club of Durham for youth trustee services in 2019 for a period of five years.

CARRIED

8. Advisory Committee Resolutions

There were no advisory committee resolutions to be considered.

9. Confidential Matters

There were no confidential matters to be considered.

10. Other Business

There was no other business to consider.

11. Date of Next Meeting

The next regularly scheduled Health & Social Services Committee meeting will be held on Thursday, April 4, 2019 at 9:30 AM in the Lower Level Boardroom (LL-C), Regional Headquarters Building, 605 Rossland Road East, Whitby.

12. Adjournment

Moved by Councillor Carter, Seconded by Councillor Wotten,
(15) That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:48 AM

Respectfully submitted,

D. Pickles, Vice-Chair

N. Prasad, Committee Clerk

alPHa

Association of Local
PUBLIC HEALTH
Agencies

2019 ALPHA FITNESS CHALLENGE FOR BOARD OF HEALTH MEMBERS



alPHa is inviting all Boards of Health to participate in the Fitness Challenge!

The challenge to our Board of Health members is to involve the entire Board in a 30-minute walk, wheel, whatever.....just be active for half an hour!



HERE'S HOW TO PARTICIPATE

READY - Designate someone to co-ordinate and keep count of your participants.

SET - Participate in a minimum of 30 minutes of walking or wheeling during the months of April or May as part of a Board of Health activity. Can't get together? You can still participate and head out on your own! As long as everyone on the Board participates, you are a winner!

GO - Have your designated co-ordinator complete the results form and email it back to us at info@alphaweb.org.

EASY TIPS TO GET ACTIVE!

Before or After Your Board of Health Meeting - Go out for a 30-minute walk before or after your Board meeting in April or May.

At Lunch - Many of us have sedentary jobs, why not brainstorm project ideas with fellow Board members during a lunchtime walk or wheel?

After work or on the Weekend - Not enough time before or after your Board meeting and lunch time is too busy? Set up another date and time to meet in April or May and go for a walk or wheel!

[Completed forms must be received by 12:00 noon on Friday May 31, 2019; send them to \[info@alphaweb.org\]\(mailto:info@alphaweb.org\)](#)

30-minute walk...wheel...whatever!

HERE ARE THE RULES

Boards of Health must complete the attached alpha Fitness Challenge Form. All Board of Health with 100% group participation will be considered winners

CONTEST RULES AND GUIDELINES

- 1 - Only members of Boards of Health are eligible.
- 2 - The 30-minute walk or wheel can be completed anytime during April or May and it is encouraged that this takes place before or after the May meeting. If no meeting is scheduled then the Board members are encouraged to get together and walk or wheel at another time.
- 3 - Board members can complete their 30-minute walk or wheel individually, however, it is encouraged that this to be a group activity.
- 4 - Any 30-minute walk or wheel will be considered as an eligible activity.
- 5 - The winning Board of Health(s) will be recognized at the Conference in June.

AND THE WINNER IS ..

The results will be broadcast on the allhealthunits listserv in June and via alpha's Twitter account: @PHAgencies. The winning Board of Health(s) will also receive an award at the 2019 alpha Annual General Membership meeting in June.

2019 BOARD OF HEALTH aPHa FITNESS CHALLENGE

Deadline to submit: Friday, May 31, 2019

Email completed form to: info@alphaweb.org

Please fill in the fields below:

BOARD OF HEALTH: _____

COORDINATOR(S): _____

COORDINATOR'S EMAIL: _____

Number of Members on the Board of Health (incl. Chair): _____

Number of BOH members participating in at least 30 minutes of physical activity: _____

BOH member participation rate: _____

If BOH members participated in a **group activity**, please include a short description of the activity:

If BOH members participated as individuals, please list the activities they participated in:



The Regional Municipality of Durham Report

To: Health & Social Services Committee
From: Commissioner & Medical Officer of Health
Report: #2019-MOH-2
Date: April 4, 2019

Subject:

New Regional Smoke-Free By-Law

Recommendations:

That the Health & Social Services Committee (HSSC) recommends to Regional Council:

- A) That it approves and passes the attached new Regional Smoke-Free By-Law in the form appended hereto regulating smoking and vaping in public places and the workplace.
 - B) That a copy of the approved Regional Smoke-Free By-Law be forwarded to lower-tier municipalities requesting their consent to the passing of the by-law and that notice of such consent be forwarded to the Regional Clerk.
 - C) That notice of receipt of a triple majority (passing of the by-law by Regional Council and receipt of notice of consent from at least 50% of the lower-tier municipalities representing at least 50% of the population) and final passing of the by-law be provided to Regional Council by the Commissioner & Medical Officer of Health through an Information Report to HSSC and Council.
 - D) That with the passing of the Regional Smoke-Free By-Law, upon receipt of the triple majority, By-Law 66-2002, a by-law to Regulate Smoking in Public Places and the Workplace, as amended in 2004 and 2007, is hereby revoked.
-

Report:

1. Purpose

- 1.1 To seek approval of the attached proposed by-law regulating smoking and vaping in public places and the workplace.
- 1.2 The attached proposed by-law addresses smoking of cigarettes, cigars, pipes, water pipes, hookahs, cannabis, medicinal cannabis, or any other lighted or heated

smoking product and vaping of any substance intended to be inhaled including nicotine, cannabis and medicinal cannabis.

2. Background

- 2.1 The By-Law to Regulate Smoking in Public Places and the Workplace (#66-2002) was passed on December 4, 2002. This by-law was amended in 2004 and 2007.
- 2.2 Since the by-law was last updated, there have been several changes with respect to the types of products available for inhaling and exhaling and the methods being used to inhale and exhale these products (e.g., vaping). There has also been an increase in the variety of equipment or apparatuses used by individuals when engaging in these activities.
- 2.3 On October 17, 2018, recreational cannabis became legalized and the [Cannabis Statute Law Amendment Act, 2018 – Bill 36](#), which amended the [Smoke-Free Ontario Act, 2017](#) (SFOA), was passed and received Royal Assent.
- 2.4 There have been significant changes to federal and provincial legislation as it applies to the use of tobacco and other prescribed products by individuals in both Ontario and Canada.

3. Current Status

- 3.1 Several changes are required to the current by-law #66-2002 to address new products available, equipment being used and changes to federal and provincial legislation including:
 - a. Removal of sections that are no longer applicable.
 - b. Specific requirements to address the new forms of smoking and/or vaping.
 - c. Reference to accompanying equipment now available to either smoke or vape cannabis, tobacco or other prescribed products.
- 3.2 The new by-law will:
 - a. Remove the sections that are no longer applicable.
 - b. Include new requirements to address cannabis and the new forms of smoking and/or vaping.
 - c. Include an expanded list of prohibited places, including college and university campuses, and Regional and municipal buildings and surrounding properties.
 - d. Prohibit the use of water pipes and hookah in the same places where smoking is prohibited.
 - e. Allow for the enforcement of no smoking and/or vaping in all prohibited places by a variety of designated officers in the region.
- 3.3 Legislative changes under the [Smoke-Free Ontario Act, 2017](#) and proposed changes to the Regional Smoke-Free By-Law were presented to HSSC on December 11, 2018.

- 3.4 Consultation with local stakeholders about proposed changes began in July 2018. The Durham Region Health Department (DRHD) has consulted:
- a. Academic institutions including Durham College, Trent University, Durham GTA campus and University of Ontario Institute of Technology (UOIT)
 - b. Central Lake Ontario Conservation Authority
 - c. Durham Regional Police Service
 - d. Hookah lounge operators
 - e. Legal representatives of all local municipalities (except Ajax)
 - f. Municipal by-law enforcement representatives from Ajax, Oshawa, and Pickering
- 3.5 DRHD is aware of six hookah lounges currently operating in the region. Hookah lounge operators were provided with two opportunities to provide feedback on the draft by-law:
- a. All known hookah lounge operators were invited to attend the December meeting of HSSC; only one hookah lounge operator attended.
 - b. On January 15, 2019, DRHD hosted a meeting for all local hookah lounge operators at Regional Headquarters; only two hookah lounge operators attended.
- 3.6 Following a presentation on proposed changes, an opportunity was provided to ask questions and discuss concerns. A concern shared by one of the hookah lounge operators was regarding his recent investment in renovations and a new ventilation system to address the hookah smoke in his establishment.
- 3.7 Hookah lounge operators were advised that information, education and time would be provided to support them to comply with the new by-law once it is passed. They were also advised that a progressive enforcement approach would be implemented beginning in January 2020.
- 3.8 The City of Toronto and the Regional Municipality of Peel have had by-laws in place prohibiting the use of hookahs or water pipes since 2016.
- a. The City of Toronto by-law prohibits the use of hookah devices at licensed business establishments in the city.
 - b. The Regional Municipality of Peel by-law prohibits the use of water pipes in enclosed public places, workplaces, restaurant or bar patios, playgrounds, sporting areas, spectator areas adjacent to sporting areas, schools, and any area under public ownership that is within 20 meters of any of the perimeter of a playground, sporting area or spectator area.
- 3.9 Hookah establishments in Toronto filed a legal challenge against the City of Toronto claiming that the City did not have the power to pass the by-law and that the by-law was not valid. In its [decision](#), the Court of Appeal of Ontario upheld the City of Toronto's by-law and dismissed the appeal.

- 3.10 Similarly, in the Region of Peel, several owners of water pipe lounges filed a legal challenge against the City of Mississauga and the Regional Municipality of Peel claiming that sections of the by-law were illegal or invalid. In its [decision](#), the Superior Court of Justice ruled that the Region of Peel has statutory authority to enact the by-law and dismissed the application from the water pipe lounge owners.
- 3.11 Overall, stakeholders are supportive of the new Regional smoke-free by-law. Other than the concern from the hookah lounge operator, DRHD has not received negative feedback from other stakeholders regarding the proposed by-law.
- 3.12 On January 8, 2019 the draft by-law was sent to each local municipality for review and feedback. Comments on the draft document were requested by February 15, 2019.
- 3.13 To date, DRHD has received responses endorsing the proposed Regional smoke-free by-law from City of Oshawa, Town of Ajax, Township of Brock and the Township of Uxbridge.
- 3.14 DRHD has consulted the Social Services Department regarding smoke-free long-term care homes (with exceptions) and prohibitions are included in the new by-law.
- 3.15 The proposed by-law addresses smoking and vaping of cannabis and does not include edible cannabis, cannabis extracts and cannabis topicals.
- 3.16 Health Canada is developing federal regulations that will regulate the manufacturing and sale of edible cannabis, cannabis extracts and cannabis topicals. Legal sale of these products is currently prohibited but will be permitted by October 17, 2019. A public consultation on the [draft regulation](#) was open from December 20, 2018 to February 20, 2019. DRHD contributed to a submission to Health Canada in response to the public consultation that was prepared by a sub-group of the Ontario Public Health Collaboration on Cannabis.
- 3.17 Once federal and potential provincial regulations concerning cannabis edibles are finalized, DRHD will consult with Legal Services to identify opportunities to strengthen the regulations through Regional by-laws.

4. Conclusion

- 4.1 In summary, it is recommended that Council approves and passes the proposed by-law regulating smoking and vaping in public places and the workplace.
- 4.2 Once the by-law is approved, DRHD will meet with legal representatives and by-law enforcement representatives of local municipalities to discuss in detail the changes in the new by-law.

5. Attachments

Attachment #1: Draft Regional Smoke-Free By-Law

Respectfully submitted,

Original signed by

R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health

Recommended for Presentation to Committee

Original signed by

Elaine Baxter-Trahair
Chief Administrative Officer

BY-LAW NUMBER xx-2019
OF
THE REGIONAL MUNICIPALITY OF DURHAM

being a by-law to regulate smoking and vaping in public places and in the workplace

WHEREAS the *Municipal Act*, 2001, S.O. 2001 c.25 as amended (the “*Municipal Act*”) authorizes municipalities to pass by-laws respecting health, safety and well-being of persons within their jurisdiction;

AND WHEREAS subsection 115(5) of the *Municipal Act* provides that a regional municipality may pass a by-law regarding the smoking of tobacco or cannabis if a majority of the councils of the lower-tier municipalities within the regional municipality representing a majority of the population of the regional municipality approve the exercise of such powers;

AND WHEREAS a majority of the councils of the lower-tier municipalities in the Regional Municipality of Durham have consented to Regional Council passing a by-law regulating smoking and vaping in public places and workplaces within the Regional Municipality of Durham;

NOW THEREFORE the Council of The Regional Municipality of Durham enacts as follows:

Definitions

1. In this by-law,
 - (a) “**ashtray**” means a receptacle of any type being used for ashes and butts of smoking products;
 - (b) “**bar**” means an establishment licensed by the Alcohol and Gaming Commission of Ontario where persons under 19 years of age are not permitted to enter, either as a patron or as an employee;
 - (c) “**cannabis**” has the same definition as in section 2(1) of the *Cannabis Act* (Canada);
 - (d) “**casino**” means a place which is kept for the purpose of playing a lottery scheme conducted and managed by the Ontario Lottery and Gaming Corporation under the authority of paragraph 207(1)(a) of the Criminal Code;
 - (e) “**common area**” means any indoor area of a building or structure that is open to the public for the purpose of access and includes elevators, escalators,

corridors, stairways, passageways, hallways, foyers, parking garages, and space for the receiving or greeting of customers, clients or other persons;

- (f) “**designated smoking area**” is an outdoor area that may be sheltered with not more than two walls and a roof and must comply with all other applicable rules in the *Smoke-Free Ontario Act, 2017* or this by-law;
- (g) “**employee**” means a person who performs any work for or supplies any service to an employer with or without compensation and includes owners and volunteers;
- (h) “**employer**” means a person who, as an owner, manager, contractor, superintendent, or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is indirectly or directly responsible for, the employment or services of an employee;
- (i) “**enclosed**” means closed in by a roof or ceiling and walls with an appropriate opening or openings for ingress or egress, provided that such openings are kept closed when not in use for such ingress or egress;
- (j) “**inspector**” means a person appointed by the Region to enforce this by-law;
- (k) “**long-term care home**” has the same definition as contained in the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8 or any subsequent legislation;
- (l) “**Medical Officer of Health**” has the same definition as in section 1(1) of the *Health Protection and Promotion Act*;
- (m) “**medicinal cannabis**” means cannabis prescribed by a health care professional for use in treating and managing illness, the access to which is regulated exclusively by the federal government;
- (n) “**municipal building**” means any building or structure owned, leased, controlled or used by the Region or any area municipality in the Region including but not limited to libraries, museums, community centres and recreational facilities;
- (o) “**no-smoking sign**” means a sign at least 10 centimetres in diameter showing an illustration of a black, lit cigarette on a white circle surrounded by a red border with a width equal to one tenth of the diameter, with a red diagonal stroke of the same width crossing over the cigarette from the upper left to the lower portion of the circle;
- (p) “**no-vaping sign**” means a sign at least 10 centimetres in diameter showing an illustration of a black vape apparatus on a white circle surrounded by a red border with a width equal to one tenth of the diameter, with a red diagonal stroke of the same width crossing over the cigarette from the upper left to the lower portion of the circle;

- (q) “**patio**” means a restaurant or bar patio is an area that is not an enclosed public place or an enclosed workplace and that meets all the criteria set out in the following subparagraphs:
1. The public is ordinarily invited or permitted access to the area, either expressly or by implication, whether or not a fee is charged for entry, or the area is worked in or frequented by employees during the course of their employment, whether or not they are acting in the course of their employment at the time.
 2. Food or drink is served or sold or offered for consumption in the area, or the area is part of or operated in conjunction with an area where food or drink is served or sold or offered.
 3. The area is not primarily a private dwelling;
- (r) “**post-secondary institution**” has the same meaning as educational institution in the *Post-secondary Education Choice and Excellence Act, 2000* S.O. 2000, c.36;
- (s) “**proprietor**” includes the person or persons who own, occupy, operate, maintain, manage, control or direct the activities carried on within any premises referred to in this by-law;
- (t) “**public park**” means a municipally owned property containing playgrounds, sports fields, gazebos, covered picnic areas, fountains, splash pads or water parks and the Waterfront Trail or a publicly owned property being used for an outdoor special event with a permit issued by a municipality;
- (u) “**public place**” means the whole or part of an indoor area of any place that is open to the public or to which the public has access by right, permission or invitation, express or implied, whether by payment of money or not, and whether publicly or privately owned and includes, without limiting the generality of the foregoing, the indoor area of those places designated as public places in section 2 of this by-law;
- (v) “**public transport vehicle**” means any vehicle used for transporting the public and includes a bus and a passenger vehicle used for hire such as a taxi or limousine;
- (w) “**recreational facility**” includes, but is not limited to, an arena, swimming pool, concert hall, theatre, auditorium, gymnasium, museum and art gallery;
- (x) “**Region**” means the geographic area of the Regional Municipality of Durham or the Regional Municipality of Durham acting as a body corporate, as the context requires;
- (y) “**restaurant**” means an establishment engaged in the sale and service of food or drink or both food and drink to the public for consumption on the premises but does not include a bar;

- (z) “**service line**” means a line of two or more persons providing, receiving, or awaiting service of any kind, regardless of whether or not such service involves the exchange of money, including but not limited to sales services, provision of information, transactions or advice and transfers of money or goods;
- (aa) “**smoke or smoking**” includes but is not limited to the carrying or holding of a lighted cigar, cigarette, pipe, water pipes, hookahs, medicinal cannabis, cannabis, or any other lighted or heated smoking product;
- (bb) “**vape or vaping**” means the use and/or activation of a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and/or heating element designed to heat a substance and produce vapour intended to be inhaled by the user of the device, whether or not the vapour contains nicotine, medicinal cannabis or cannabis; and
- (cc) “**workplace**” means a building or structure or part thereof in which one or more employees work, including but not limited to amenity areas, corridors, eating areas, elevators, entrances, escalators, exits, foyers, hallways, laundry rooms, lobbies, lounges, meeting rooms, parking garages, reception areas, stairways and washrooms, and includes a public transport vehicle and any other vehicle in which an employee works but does not include a private dwelling.

No Smoking and/or Vaping in Public Places

2. There shall be no smoking or vaping in, or within a 9m radius of any entrance, exit or air intake of, a public place, including but not limited to:
- a) the prohibited places contained within section 12(1) of the *Smoke Free Ontario Act, 2017* S.O. 2017 c.26 or as set out in any subsequent legislation;
 - b) common area;
 - c) public washrooms;
 - d) funeral home;
 - e) racetrack;
 - f) casino;
 - g) bingo hall;
 - h) billiard hall;
 - i) bowling alley;

- j) hookah and vape lounges;
 - k) restaurant;
 - l) bar;
 - m) patio;
 - n) recreational facility;
 - o) service line whether indoors or outdoors;
 - p) shopping centres, plazas, and/or malls, and;
 - q) public transport vehicle.
3. There shall be no smoking or vaping on any portion of the property or grounds of a municipal building.
 4. There shall be no smoking or vaping on any external portion of the property or grounds of a post-secondary institution, except in a designated smoking/vaping area at least 9m from any entrance, exit or air intake. The inclusion of any designated smoking/vaping area shall be at the individual institution's sole and absolute discretion.
 5. There shall be no smoking or vaping on any external portion of the property or grounds of a long-term care home except in a designated smoking/vaping area at least 9m from any entrance, exit or air intake. The inclusion of any designated smoking/vaping area shall be at the individual institution's sole and absolute discretion.
 6. There shall be no smoking or vaping in or within a 20m radius of any public park.

Smoking and/or Vaping in Workplaces

7. No person shall smoke and/or vape in an enclosed workplace.
8. No person shall place an ashtray for the use of smokers in an enclosed workplace.
9. No employer shall permit a person to smoke and/or vape in an enclosed workplace.
10. No employer shall permit a person to place an ashtray for the use of smokers in an enclosed workplace.

Signs

11. The proprietor of a public place shall ensure that such public place is posted with no-smoking and no-vaping signs in a conspicuous manner at each entrance to the public place to indicate that smoking and vaping are prohibited.
12. Every employer shall ensure that the enclosed workplace is posted with no-smoking and no-vaping signs in a conspicuous manner at each entrance to the workplace to indicate that smoking and vaping prohibited.

Enforcement

13. The Medical Officer of Health of the Region may, from time to time, appoint inspectors for the purpose of enforcing this by-law.
14. An inspector may, at any reasonable time, enter any public place or workplace (other than a private dwelling) without warrant or notice for the purpose of determining whether there is compliance with this by-law.
15. An inspector may make such examinations, investigations and inquiries as are necessary to determine whether there is compliance with this by-law.
16. A person has a duty to identify themselves when requested by an inspector.
17. No person shall hinder, obstruct or interfere with an inspector carrying out an inspection under this by-law.

Offence

18. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00 exclusive of costs, as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

Conflict

19. If any provision of this by-law conflicts with any Act, regulation or other municipal by-law, the provision that is the most restrictive shall prevail.

Severability

20. If any section of this by-law or parts thereof are found by any Court to be illegal or beyond the power of the Region to enact, such section or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

Legislation

- 21. Any reference in this By-law to all or any part of any statute, regulation, by-law or rule shall, unless otherwise stated, be taken as a reference to that statute, regulation, by-law or rule or the relevant part thereof, amended, replaced or re-enacted from time to time.

Set Fines

- 22. Set fines for contraventions of this by-law shall be in accordance with Schedule “A” to this by-law, attached hereto and forming part of this by-law.

Effective Date

- 23. This by-law shall come into effect on .

- 24. By-law 66-2002 shall

BY-LAW read and passed this day of 2019.

John Henry, Regional Chair

Ralph Walton, Regional Clerk

Smoking By-law 2019
BY- 9-19

Schedule "A"

SET FINE SCHEDULE

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Offence Creating Provision | COLUMN 3 Set Fine (Includes costs) |
|-------------|--|--|---|
| 1 | Smoke tobacco in a prohibited place | Section 3 | \$305.00 |
| 2 | Vape in a prohibited place | Section 3 | \$305.00 |
| 3 | Smoke tobacco in an enclosed workplace | Section 4 | \$305.00 |
| 4 | Vape in an enclosed workplace | Section 4 | \$305.00 |
| 5 | Place ashtray in an enclosed workplace | Section 5 | \$305.00 |
| 6 | Failure to prohibit persons from smoking in an enclosed workplace | Section 6 | \$305.00 |
| 7 | Failure to prohibit persons from vaping in an enclosed workplace | Section 6 | \$305.00 |
| 8 | Failure to prohibit persons from placing ashtrays in an enclosed workplace | Section 7 | \$305.00 |
| 9 | Failure to post No Smoking signs in a public place | Section 8 | \$305.00 |
| 10 | Failure to post No Vaping signs in a public place | Section 8 | \$305.00 |
| 11 | Failure to post No Smoking signs in an enclosed workplace | Section 9 | \$305.00 |
| 12 | Failure to post No Vaping signs in an enclosed workplace | Section 9 | \$305.00 |

| | | | |
|-----|--------------------|------------|----------|
| 13. | Obstruct Inspector | Section 13 | \$305.00 |
|-----|--------------------|------------|----------|

Note: the penalty provision for the offences indicated above is Section 14 of the By-law.



The Regional Municipality of Durham Report

To: Health & Social Services Committee
From: Commissioner & Medical Officer of Health
Report: #2019-MOH-3
Date: April 4, 2019

Subject:

Mandatory On-site Sewage System Maintenance Inspection Program – *Lake Simcoe Protection Act, 2008* – Phase II

Recommendation:

That the Health & Social Services Committee (HSSC) recommends to Regional Council:

That the Regional Chair and Clerk are authorized to execute any legal agreements and any and all amendments thereto between the Region and the area municipalities with respect to the Mandatory On-site Sewage System Maintenance Inspection Program provided that such agreements are substantially in the same form as per the draft agreement attached to this report.

Report:

1. Purpose

1.1 The purpose of this report is to execute the legal agreement for the provision of a mandatory on-site sewage system maintenance inspection program between the Region and the municipality of Scugog at the regional level.

2. Background

2.1 The Ontario Building Code (OBC) was amended by Ontario Regulation 315/10 which establishes and governs on-site sewage system maintenance inspection programs. These programs are to be administered by principal authorities (i.e., boards of health, conservation authorities and/or municipalities) in certain areas and within a prescribed time frame.

2.2 As regards Lake Simcoe, mandatory inspections of existing sewage systems were initially required (Phase I) in specific geographic areas located within 100 metres of the Lake Simcoe shoreline. The geographic area has now been extended to include the strip of land that is located along each of the following rivers, streams, lakes and

ponds and that is 100 metres wide measured horizontally and perpendicular to and upland from the river, stream, lake or pond, any river or stream that continually flows in an average year, any lake or pond that is connected on the surface to the aforementioned rivers or streams and any other lake or pond that has a surface area greater than 8 hectares in the Lake Simcoe Watershed. The Region of Durham has a Sewage System Management Agreement in place with the Township of Scugog for the administration of Part 8 (Sewage Systems) of the OBC. The Durham Region Health Department submitted a proposal and draft agreement to the Township of Scugog for its consideration. A report regarding the proposal and draft agreement was received at the Township of Scugog Council meeting on January 21, 2019 and it was resolved that the Mayor and Clerk be authorized to execute the draft agreement between the Township of Scugog and the Region of Durham to enforce the provisions of the *Building Code Act, 1992* and the Ontario Building Code regarding private sewage systems.

- 2.3 The appended agreement (Appendix A) enacts the above proposal. It has been drafted by the Region's Legal Department and was vetted by the Finance Department.

3. Financial Implications

- 3.1 The Mandatory On-site Sewage System Maintenance Program will be a fee per service program. A fee per inspection which will cover the costs of the program will be paid by the Township to the Region. The details of the fees are included in the attached draft agreement.

4. Conclusion

- 4.1 It is recommended that the Regional Chair and Clerk are authorized to execute any legal agreements and any and all amendments thereto between the Region and area municipality with respect to the Mandatory On-Site Sewage System Maintenance Inspection Program, provided that such agreements are substantially in the same form as per the draft agreement attached to this report.

5. Attachments

Attachment #1: Draft Mandatory On-site Sewage System Maintenance Inspection Program Agreement

Respectfully submitted,

Original signed by

R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health

Recommended for Presentation to Committee

Original signed by

Elaine Baxter-Trahair
Chief Administrative Officer

APPENDIX A**MANDATORY ON-SITE SEWAGE SYSTEM MAINTENANCE INSPECTION PROGRAM AGREEMENT**

THIS AGREEMENT dated as of the 1st of April, 2019

B E T W E E N:

THE REGIONAL MUNICIPALITY OF DURHAM
(the "Region")

- and -

THE CORPORATION OF THE TOWNSHIP OF SCUGOG
(the "Municipality")

WHEREAS the Region and the Municipality entered into an agreement, dated April 1, 2019 and expiring December 31, 2020, for the purpose of delegating to the Region the enforcement of certain responsibilities under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended (the "Act") and Ontario Regulation 332/12 (the "Ontario Building Code"), and any further prescribed applicable legislation made there under relating to Sewage Systems, pursuant to subsection 6.2(1) of the Act;

AND WHEREAS the parties wish to execute an agreement for a two (2) year term;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the promises and the covenants contained herein, the parties hereto mutually agree:

ARTICLE ONE

APPLICATION

Section 1.01 - Application

This Agreement shall be applicable to all sewage systems in the Mandatory Area affected by the maintenance inspection program, in areas located within the strip of land that is located along each of the following rivers, streams, lakes or ponds and that is 100 m wide measured horizontally and perpendicular to and upland from the river, stream, lake or pond,

- (i) any river or stream in the *Lake Simcoe watershed* that continually flows in an average year,
- (ii) any lake or pond in the *Lake Simcoe watershed* that is connected on the surface to a river or stream described in Subclause (i), and
- (iii) any other lake or pond in the *Lake Simcoe watershed* that has a surface area greater than 8 hectares, as identified by the local Municipality.

Section 1.02 - Duties

The Health Department shall carry out its duties contained herein accordance with the Act and the Ontario Building Code in force from time to time as contemplated by this Agreement, and any other legislation.

ARTICLE TWO

DEFINITIONS

Section 2.01 - Definitions

In this Agreement,

- (i) “Sewage System” means,
 - (a) a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including portable privy, a pail privy, a privy vault and a composting toilet system,
 - (b) A greywater system,
 - (c) A cesspool,
 - (d) A leaching bed system, or
 - (e) A system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system,
 Where these,
 - (f) have a design capacity of 10,000 litres per day or less,
 - (g) have, in total, a design capacity of 10,000 litres per day or less,
 - (h) where more than one of these are located on a lot or parcel of land, and
- (i) are located wholly within the boundaries of the lot or parcel of land on which is located the building or buildings they serve.
- (ii) “Qualified Inspector” means an inspector appointed under subsection 6.2(3) of the Act;
- (iii) “Mandatory Area” means 1.10.2.3 Mandatory Maintenance Inspection Program under the Ontario Building Code Division C – Part 1.
- (iv) “Ontario Building Code” means Regulation 332/12, and any further prescribed applicable legislation made under the Act.

ARTICLE THREE

SERVICES PROVIDED BY THE HEALTH DEPARTMENT

Section 3.01 – Services

The Health Department of the Region shall provide the following services in relation to the Lands:

- (i) Carry out a mandatory maintenance inspection of all sewage systems located in prescribed areas located within the strip of land that is located along each of the following rivers, streams, lakes or ponds and that is 100 m wide measured horizontally and perpendicular to and upland from the river, stream, lake or pond,

- i) any river or stream in the *Lake Simcoe Watershed* that continually flows in an average year,
 - ii) any lake or pond in the *Lake Simcoe Watershed* that is connected on the surface to a river or stream described in Subclause (i) and
 - iii) any other lake or pond in the *Lake Simcoe Watershed* that has a surface area greater than 8 hectares, the purpose of which is to determine whether a private on-site sewage system is in compliance with the operation and maintenance requirements outlined in the Ontario Building Code.
- (ii) Inspect all properties as identified by the “Municipality” to determine compliance with the Act or Ontario Building Code for the enforcement of the mandatory maintenance inspection program;
 - (iii) Review all pertinent documents to assess compliance with all applicable legislation, policies and guidelines relating to mandatory on-site sewage systems maintenance inspection program;
 - (iv) Attend meetings of Municipal Council and their committees to discuss matters relating to mandatory on-site sewage system maintenance inspection program;
 - (v) As an agent for the Municipality, maintain adequate records of all documents and other materials used in performing the duties required under this Agreement. Such records to be maintained in accordance with the Region of Durham’s Record Retention Policy as contained in the Region of Durham’s by-laws;
 - (vi) Upon reasonable notice by the Municipality, provide reasonable access to the Municipality of all records kept under subsection 3.01(v) above;
 - (vii) Consult with various groups regarding compliance with provisions relating to mandatory on-site sewage system maintenance inspection program;
 - (viii) Respond to inquiries made by any person under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M56. as amended, or through any other legal channel;
 - (ix) Identify malfunctioning Sewage Systems, undertake compliance counselling and preparation of reports for abatement action as they relate to existing Sewage Systems;
 - (x) Issue orders under the Act relating to Sewage Systems;
 - (xi) Prepare documentation necessary for prosecution activities relating to Sewage Systems under the Act and the Ontario Building Code. Administer enforcement proceedings relating to Sewage Systems pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
 - (xii) Provide all forms necessary for the administration of this Agreement;
 - (xiii) Attendance at all enforcement proceedings as required. Notwithstanding sections x – xiii, the Municipality is responsible for dissemination of information.

Section 3.02 – Sewage System Management Agreement Not Included

Nothing in this Agreement provides for the provision by the Health Department of any services related to other responsibilities or other related services which may be required for the enforcement of the Ontario Building Code Act and the Ontario Building Code relating to Sewage Systems.

ARTICLE FOUR

FEES

Section 4.01 - Collection of Fees

The Regional Council requires the payment of fees by the “Municipality” for services provided for the mandatory on-site sewage system maintenance inspection program. The Municipality shall remit to the Region fees as they apply.

Section 4.02 - Collection of Fees, Schedule A

The Region shall invoice the Municipality in accordance with Schedule A, based on an agreed number of inspections over the term of the contract, and the Municipality shall remit payment within thirty (30) days.

Section 4.03 – Collection of Fees – Additional Inspections

In the event that the Municipality requires additional inspections beyond the agreed number of inspections, the Region shall invoice a per inspection fee in accordance with Schedule A. The additional inspection fee will not be charged until the agreed number of inspections has been exceeded.

ARTICLE FIVE

INSPECTORS

Section 5.01 – Qualifications of Inspectors

The Municipality agrees that only personnel employed by the Health Department shall be deemed an Inspector for the purposes of this Agreement.

An inspector(s) who is/are not fully qualified under the Ontario Building Code to undertake inspections under the mandatory on-site sewage systems maintenance inspection program shall be supervised by the Chief Building Official-Sewage System or a qualified inspector working for the Durham Region Health Department.

ARTICLE SIX

INDEMNIFICATION AND INSURANCE

Section 6.01 - Indemnification

The Municipality shall defend, indemnify and save harmless the Region and its members of Council, officers, employees and agents against any and all costs (including legal fees and disbursements), expenses, losses, liabilities, claims, demands, actions or causes of action, or direct, indirect, general, special, incidental or consequential damages suffered or incurred by the Region (including claims made by third parties against the Region) as a result of a breach of a term or provision of this Agreement by the Municipality or otherwise, under any theory of liability, except to the extent those resulting from the negligence or wilful misconduct of the Region or those for whom it is in law responsible.

The Region shall defend, indemnify and save harmless the Municipality and its members of Council, officers, employees and agents against any and all costs (including legal fees and disbursements), expenses, losses, liabilities, claims, demands, actions or causes of action, or direct, indirect, general, special, incidental or consequential damages suffered or incurred by the Municipality (including claims made by third parties against the Municipality) as a result of a breach of a term or provision of this Agreement by the Region or otherwise, under any theory of liability, except to the extent those resulting from the negligence or wilful misconduct of the Municipality or those for whom it is in law responsible.

Section 6.02 - Insurance

For the term of this Agreement, the Region will, at its expense, maintain liability insurance contracts of the nature, in the amounts and containing the terms and conditions, if any, set out in Schedule B.

ARTICLE SEVEN

TERM AND TERMINATION

Section 7.01 - Term

This Agreement shall continue in force for a period of four years commencing April 1, 2019 and ending December 31, 2020.

Section 7.02 - Termination

The Municipality may terminate this Agreement on 180 days written notice if the Health Department fails to:

- (a) adhere to the provisions of the Act and Regulations; or
- (b) exercise its discretionary powers in a reasonable manner, in the public interest;

and the Health Department does not take any reasonable steps, satisfactory to the Municipality, within the 180-day period to correct the matter complained of in the written notice.

Section 7.03 – General Termination

Either party may terminate this Agreement upon 180 days written notice.

Section 7.04 – Records on Termination

In the event of the termination of this Agreement or where a Municipality does not renew

or enter into a subsequent Agreement for the provision of the services, the Health Department shall provide to the Municipality with all records kept under subsection 3.01(v)(vi)(ix)(xi) .

ARTICLE EIGHT

MISCELLANEOUS

Section 8.01 - Preamble

The preamble hereto shall be deemed to form an integral part hereof.

Section 8.02 - Gender

Whenever the singular form is used in this Agreement and when required by the context, the same shall include the plural, the plural shall include the singular and the masculine gender shall include the feminine and neuter genders.

Section 8.03 - Amendments

This Agreement shall not be changed, modified, terminated or discharged in whole or in part except by instrument in writing signed by the parties hereto, or their respective successors or permitted assigns, or otherwise as provided herein.

Section 8.04 - Assignment

This Agreement shall not be assignable by either party hereto without the consent of the other party being first obtained.

Section 8.05 - Notices

Any notice, report or other communication required or permitted to be given hereunder shall be in writing unless some other method of giving such notice, report or other communication is expressly accepted by the party to whom it is given and shall be given by being delivered or mailed to the following addresses of the parties respectively:

- (a) To the Health Department:
The Regional Municipality of Durham
Health Department
605 Rossland Rd. E
Whitby, Ontario L1N 6A3
Attention: Commissioner and Medical Officer of Health
- (b) To the Municipality:
The Township of Scugog
181 Perry Street
P.O. Box 780
Port Perry, ON L9L 1A7
Attention: Paul Allore, Chief Administrative Officer

Any notice, report or other written communication, if delivered, shall be deemed to have been given or made on the date on which it was delivered to any employee of such party, or if mailed, postage prepaid, shall be deemed to have been given or made on the third business day

following the date on which it was mailed (unless at the time of mailing or within forty-eight hours thereof there shall be a strike, interruption or lock-out in the Canadian postal service, in which case service shall be by way of delivery only). Either party may, at any time, give notice in writing to the other party of the change of its address for the purpose of this section 8.05.

Section 8.06 - Headings

The section headings hereof have been inserted for the convenience of reference only and shall not be construed to affect the meaning, construction or effect of this Agreement.

Section 8.07 – Binding Effect and Enurement

This Agreement shall be binding upon and enure to the benefit of the parties hereto, their respective heirs, executors, administrators and successors (including successors brought about by municipal reorganization or restructuring), and to the extent permitted hereunder, their permitted assigns.

Section 8.08 - Waiver

No party will be deemed to have waived the exercise of any right that it holds under this Agreement unless such waiver is made in writing. No waiver made with respect to any instance involving the exercise of any other instance will be deemed to be a waiver with respect to any other instance involving the exercise of the right of with respect to any other such right.

Section 8.09 - Governing Law

The provisions of this Agreement shall be construed and interpreted in accordance with the laws of the Province of Ontario as at the time in effect.

IN WITNESS WHEREOF the parties have executed this Agreement.

THE REGIONAL MUNICIPALITY OF DURHAM

Per: _____
John Henry, Regional Chair and CEO

Per: _____
Ralph Walton, Deputy Clerk

MUNICIPALITY

Per: _____
Bobbie Drew, Mayor

Per: _____
J.P. Newman, Clerk

SCHEDULE A

2017-2020 USER FEES

| 2019 | 2020 |
|----------|----------|
| \$17,040 | \$17,040 |

Payment Terms

The annual fees shall be invoiced in four (4) equal instalments of \$4260.00 on the first business day of June, July, August and September and payment shall be remitted within thirty (30) days.

Fee for Additional Inspections

In the event that the number of inspections completed exceeds an agreed upon number of inspections, or 200 inspections, over the term of the contract, an additional inspection fee of \$170.40 per inspection will be charged. The Region shall report the number of inspections completed regularly. Fees for additional inspections will be charged at the end of the contract and only if the total number of inspections exceeds the agreed upon number of inspections.

SCHEDULE B

The Region shall maintain in full force and effect during the term of this Agreement a policy of commercial general liability insurance providing coverage for a limit of not less than five million (\$5,000,000.00) dollars for each occurrence of a claim of liability against the Region, its officers or employees under this Agreement.



The Regional Municipality of Durham Information Report

From: Commissioner of Social Services
Report: #2019-SS-1
Date: April 4, 2019

Subject:

Children's Services Division Early Learning and Child Care Update with a focused Fee Subsidy Update and Statistical Report.

Recommendation:

Receive for information

Report:

1. Child Care and Early Learning Update

- 1.1 In 2000, The Regional Municipality of Durham, Social Services Department, Children's Services Division (CSD) was designated as the Consolidated Municipal Service Manager (CMSM) to plan, manage and fund the early learning and child care system (ELCC).
- 1.2 The CSD is responsible for managing a coordinated and responsive early learning and child care system that supports children and their families in reaching their best potential. Key activities of the CMSM include:
 - a. Creating and implementing a multi-year service system plan in collaboration with the ELCC community.
 - b. Managing the child care fee subsidy program by maintaining a waitlist and processing families through the intake process.
 - c. Managing a coordinated, responsive high-quality licensed system by:
 - Maintaining Purchase of Service agreements with licensed child care programs and authorized recreation providers.
 - Facilitating funding streams to support licensed child care, including:
 - General Operating Funding

-
- One-time special purpose funding (e.g. Health and Safety funding, Transformation, Minor Capital, Play-based Toys and Equipment)
 - Small Water Works funding
 - Wage Enhancement funding
 - Fee Subsidy Stabilization funding
- Implementing, coordinating and funding Capacity Building initiatives that support professional learning for the ELCC system.
 - Managing special needs resourcing services to support licensed child care and authorized recreation programs in Durham.
 - Directly operating seven licensed ELCC programs and Durham Behaviour Management Services.
- d. Managing EarlyON Child and Family Centres effective 2018 by maintaining Purchase of Service agreements with service providers to offer free services for families with young children in Durham.
- e. Managing the system through community collaboration, partnerships and evidence-based decision-making by:
- Early Learning Program funding supporting the Best Start Network.
 - Facilitating and supporting sub-committees and working groups.
 - Participating in community projects with partners (e.g. service providers, school boards, post-secondary institutions etc.).
 - Engaging in data initiatives, such as the Early Development Instrument, Municipal Benchmarking Network Canada, Health Neighbourhoods projects, and performing statistically driven community analyses.
 - Participating in the “Journey Together” Indigenous ELCC planning process by supporting the needs and opinions provided by authentic voices in Durham.
- f. Responding to new or changing direction from the Ministry of Education.
- 1.3 The CSD Annual Report infographic is attached to provide 2018 Divisional Highlights.
- 2. Fee Subsidy Update**
- 2.1 The Child Care Fee Subsidy Program helps families who qualify cover the cost of licensed child care for children up to the age of 12 years. As the CMSM, the CSD provides fee subsidy to eligible families across the region. To be eligible, parents or

legal guardians must be working, attending school or receiving Ontario Works benefits while participating in an approved activity, or the parent/guardian or child must have a recognized special or social need (e.g. parent diagnosed with clinical depression).

- 2.2 Access to affordable, regulated, quality child care offers families with young children an option to return to the workforce when they chose and reduces poverty for low income families. The ability to access affordable child care and return to full-time employment decreases reliance on government-funded programs, such as Ontario Works, reduces income inequality and increases regional, provincial and federal financial outcomes.

Provincial and Federal Funding Fluctuations:

- 2.3 Fee Subsidy funding is limited and based on the provincial funding allocation confirmed annually. In recent years, the Province had announced additional subsidy allocations and program funding that occur after the Region's annual Budget approval.
- 2.4 The unanticipated influx of subsidy dollars allowed for a significant increase in the number of children placed in fee subsidy in Durham. For example, an additional 436 children were placed when comparing the first quarter of 2017 to the fourth quarter in that same year.

Current Fee Subsidy Waitlist and Children Served:

- 2.5 The waitlist for fee subsidy (as at February 2019) was reported to be an average of 4,415 children. This number included approximately 382 children that did not currently require child care when it was offered. The last placements from the waitlist were offered in April 2018 to families with a waitlist date of November 30, 2017 (i.e. an average of 6 months).
- 2.6 As a comparison, in 2016 CSD staff have noted that families were waiting an average of 12 to 15 months for a placement. Prior to 2016, families may have been waiting up to 3 and a half years for a placement to be offered versus the current average wait times of approximately 6 months.
- 2.7 The number of children served increased steadily over the past three years: 4,352 in 2016; 5,098 in 2017; and 5,612 in 2018. This increase in number of children served can be directly attributed to the increased amount of funding received, as noted earlier.

3. Fee Subsidy Waitlist Constraints and Opportunities

Constraints:

- 3.1 The CSD staff are working within various constraints and limitations associated with the Fee Subsidy Program.
- a. Funding Formula Allocation Inequities and Child Population Growth:
 - Durham's child population is growing rapidly. As a result, there has been an increase in the number of young families requiring affordable child care.
 - The 2018 provincial funding allocations were calculated using the 2011 population and health statistics and thus did not account for the significant growth in the local child population.
 - In 2014 the Ministry of Education acknowledged that Durham's funding allocation needed to be adjusted as it was lower per child than other CMSMs with similar growth statistics. As a result, the allocation included a funding adjustment amount with the intent to recognize Durham's shortfall. However, the adjustment amount is not sufficient when based on the population growth compared to other comparable CMSMs.
 - b. 2019 Provincial Budget Allocations Unknown:
 - The Ministry of Education's 2019 Funding allocation for Durham Region is not currently available. As a result, staff in CSD have been unable to commit to any additional placements to reduce the Fee Subsidy Wait list.
 - c. Children's Demographics receiving Fee Subsidy
 - In 2017/2018, the Province introduced additional funding for child care fee subsidy spaces under the Expansion program. With this new funding, the target age groups were children 0 to 3.8 years of age. These children will be eligible to receive fee subsidy services until they are 12 years of age, or no longer eligible for fee subsidy. If sufficient long-term funding does not materialize from the Province, the costs to maintain the subsidies for subsequent years will fall to the Region. This will remain a cost as these children move through the child care system.

Opportunities:

- 3.2 The CSD staff have also identified various opportunities for increased child placements within the Fee Subsidy Program.
- a. Operator Budget and Per Diem Caps:
- The CSD updated the 2018 Early Learning and Child Care Operator budget templates, and system per diem rate approval process, to ensure the highest possible levels of efficiency exist within the system.
 - A fee analysis of all child care operators with a purchase of service is underway and any efficiencies resulting from the review of operating expenses, operator surpluses and costs of care will be used to maximize the overall number of children served.
- b. Process Streamlining Across Divisions:
- CSD continues to partner with the Income and Employment Support Division to ensure that any potential clients waiting for fee subsidy are informed about and receiving any services that are applicable to their unique needs.
- c. Communications with the Ministry of Education:
- With the continued funding imbalance noted above, staff within the Children's Services Division are undertaking a comprehensive analysis of the provincial allocations of all CMSMs in the province. Staff will be engaging in conversations with key representatives within the Ministry of Education to ensure Durham's growth and current statistics are considered in preparation of 2019 funding allocations.
4. For additional information, contact: Lisa McIntosh, Director, at 905-668-7711 extension 2754.

5. Attachments

Attachment #1: CSD Annual Report 2018 Highlights Infographic

Attachment #2: 4th Quarter (October to December 2018) statistics

Attachment #3: Children's Services Division 2017-2018 Comparison Statistics

Respectfully submitted,

Original signed by

Dr. Hugh Drouin
Commissioner of Social Services



Fee Subsidy CSD Annual Report

2018 Highlights

5,612 Children served

Wait time
12 months

Wait list
4,084 children

Child Care Expansion

Licensed capacity:

2017 **24014**
2018 **25700**

Durham Behaviour Management Services



More than **700** individuals served
244 referrals from child care providers
16 training sessions conducted
25 children served through partnership with Durham Children's Aid Society



New Regional Website
Durham.ca/ChildrensServices

Community Planning Activities

95% of centres met high quality standards of care
11,882 registered with the College of ECEs
Journey Together Project
Promoting Awareness of EarlyON Programs
Pedagogical Inquiry Tool Update and Expansion
2018-2022 Early Learning and Child Care Service Plan



Best Start Network

provided input

Early Learning Program

Supported:

59 programs for toys & equipment

24 programs for health & safety

226 sites for general operating

2,280 full-time staff for wage enhancement

270 programs for professional development

Directly Operated Centres



Implemented **Twice daily snacks and lunches**
Spaces Added for School Age Programs:
30 at Sunderland
30 at Clara Hughes



204 responses
Agreed - The educators are knowledgeable and understand their child's needs

If you require this information in an accessible format please contact 1-800-387-0642.





Children's Services Division 4th Quarter Statistics

City of Ajax

| Months | Number of Active Sites | Number of Subsidized Children Placed |
|----------|------------------------|--------------------------------------|
| October | 49 | 1172 |
| November | 49 | 1148 |
| December | 49 | 1147 |

The total number of children on the wait list in Ajax at end of this quarter is 1200.

Brock Township

| Months | Number of Active Sites | Number of Subsidized Children Placed |
|----------|------------------------|--------------------------------------|
| October | 4 | 84 |
| November | 4 | 82 |
| December | 4 | 80 |

The total number of children on the wait list in Brock at end of this quarter is 34.

Municipality of Clarington

| Months | Number of Active Sites | Number of Subsidized Children Placed |
|----------|------------------------|--------------------------------------|
| October | 34 | 300 |
| November | 34 | 299 |
| December | 34 | 299 |

The total number of children on the wait list in Clarington at end of this quarter is 392.

City of Oshawa

| Months | Number of Active Sites | Number of Subsidized Children Placed |
|----------|------------------------|--------------------------------------|
| October | 52 | 1166 |
| November | 52 | 1187 |
| December | 52 | 1169 |

The total number of children on the wait list in Oshawa at end of this quarter is 1076.

City of Pickering

| Months | Number of Active Sites | Number of Subsidized Children Placed |
|----------|------------------------|--------------------------------------|
| October | 41 | 710 |
| November | 41 | 705 |
| December | 41 | 694 |

The total number of children on the wait list in Pickering at end of this quarter is 542.

Township of Scucog

| Months | Number of Active Sites | Number of Subsidized Children Placed |
|----------|------------------------|--------------------------------------|
| October | 9 | 45 |
| November | 9 | 46 |
| December | 9 | 43 |

The total number of children on the wait list in Scucog at end of this quarter is 52.

Township of Uxbridge

| Months | Number of Active Sites | Number of Subsidized Children Placed |
|----------|------------------------|--------------------------------------|
| October | 11 | 48 |
| November | 11 | 50 |
| December | 11 | 52 |

The total number of children on the wait list in Uxbridge at end of this quarter is 43.

Town of Whitby

| Months | Number of Active Sites | Number of Subsidized Children Placed |
|----------|------------------------|--------------------------------------|
| October | 58 | 828 |
| November | 58 | 829 |
| December | 58 | 823 |

The total number of children on the wait list in Whitby at end of this quarter is 624.

Quarter totals

| Months | Number of Active Sites | Number of Subsidized Children Placed |
|----------|------------------------|--------------------------------------|
| October | 258 | 4353 |
| November | 258 | 4346 |
| December | 258 | 4307 |

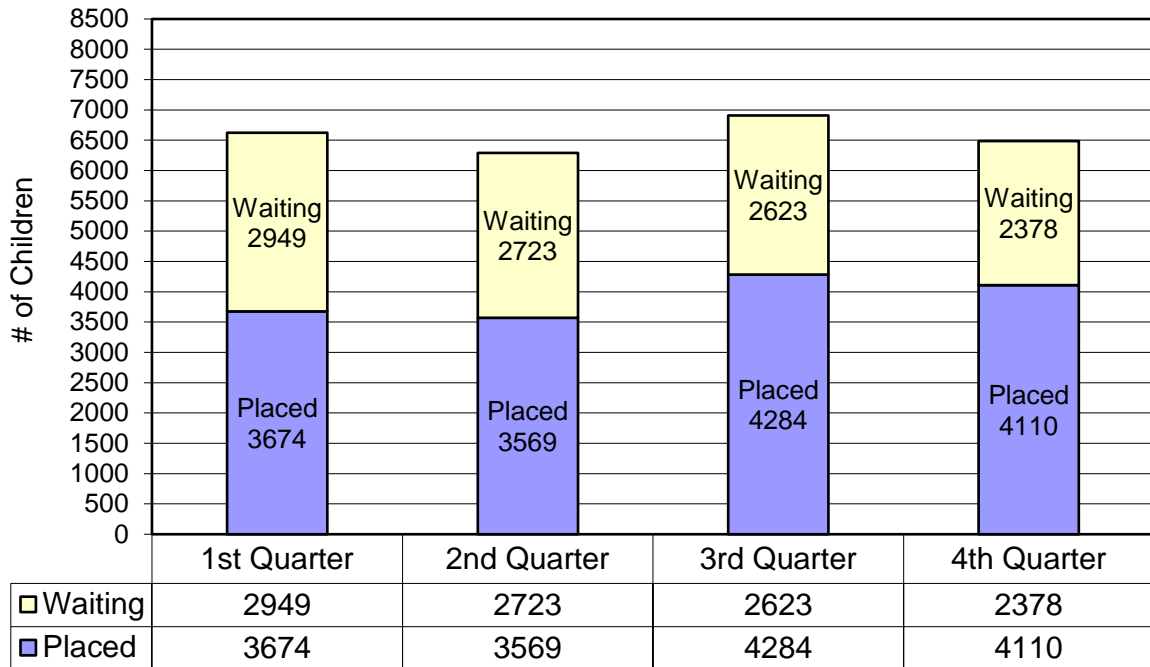
The total number of children on the wait list at end of this quarter is 4084. This total includes 121 children awaiting move to Durham Region.

Original signed by

Lisa McIntosh
Director, Children's Services Division

Children's Services Division 2017-2018 Comparison Statistics

2017



2018

