

**As amended by By-law 81-2020 and 127-2022
By-law 78-2006
of The Corporation of the City of Oshawa**

being a by-law respecting the registration of group homes.

Whereas s. 166 of the *Municipal Act*, 2001, S.O. 2001, c. 25, authorizes the Council of a local municipality to pass by-laws providing for the registration of group homes;

Now therefore the Council of The Corporation of the City of Oshawa hereby enacts as follows:

1. In this By-law:
 - (a) "City" means The Corporation of the City of Oshawa and includes all areas within its territorial limits.
 - (b) "Correctional Group Home" means a Group Home containing one or more persons who have been placed on probation, released on parole, admitted for correctional purposes, or found to be not criminally responsible for a crime by virtue of mental incapacity.
 - (c) "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.
 - (d) "Person" includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association.
 - (e) "Registrar" means the person appointed pursuant to section 2 of this By-law.
2. The City's Manager of By-law Enforcement Services is appointed as Registrar for the purposes of this By-law.
3. No Person shall operate a Group Home that is not registered 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 registered in accordance with this By-law.
5. The Registrar is authorized to register and to renew the registration of a Group Home upon receipt of an application duly completed in the form from time to time prescribed by the Registrar together with payment of the fee prescribed by the City's General Fees and Charges By-law.
6. Each registration or renewal of registration of a Group Home ceases upon the expiry of one year following the date of registration or renewal, as the case may be.
7. The Registrar shall maintain a record respecting each Group Home in respect of which an application for registration has been made including:
 - (a) the name of each applicant for registration;
 - (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 registration;
 - (e) if applicable, the date of registration;
 - (f) if applicable, the Group Home's status as a Correctional Group Home; and
 - (g) if applicable, the date of refusal for registration and a brief summary of the reason(s) for refusal.

8. Registration pursuant to this By-law neither confirms nor relieves any Person from compliance with all applicable law including, without limitation, the City's Zoning By-law 60-94.
9. Each Person who contravenes any provision of this By-law is guilty of an offence.
10. No Person shall fail to comply with any provision or standard of this By-law. (127-2022)
11. Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law. (81-2020)
- 11.1 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of the Group Home Registration By-law, and the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$250. If a Person receives an additional penalty notice for the same contravention of the Group Home Registration By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$350. If the Person receives a subsequent penalty notice for the same contravention of the Group Home Registration By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$450. If the Person receives any subsequent penalty notices for the same contravention of the Group Home Registration By-law within one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$450. (81-2020)
12. This By-law applies to all lands and premises within the City.
13. 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.
14. 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.
15. The short title of this By-law shall be the "Group Home Registration By-law".
16. The provisions of this By-law shall come into force and effect on its date of passage.

By-law approved this twenty-third day of May, 2006.

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