

## Report to Strategic Priorities and Policy Committee

**To:** Chair and Members  
Strategic Priorities and Policy Committee  
**From:** Michael Schulthess, City Clerk  
**Subject:** Amendment – Terms of Reference,  
Committee of Management for the Dearness Home  
**Date:** September 20, 2022

### Recommendation

That, on the recommendation of the City Clerk, the attached proposed by-law (Appendix “A”) being “A By-law to amend By-law A.-6582-255 being a by-law to establish a Committee of Management for the Dearness Home and to update the Terms of Reference”, BE INTRODUCED at the Municipal Council Meeting to be held on September 27, 2022.

### Previous Reports Pertinent to this Matter

None.

### Background

#### 1.0 Fixing Long-Term Care Act, 2021

The *Long-Term Care Homes Act, 2007* was repealed and replaced by the *Fixing Long-Term Care Act, 2021* [“Act”], effective April 11, 2022. The Act continues the requirement that each municipality establish and maintain a long-term care home with oversight by a mandated committee of management appointed by the Municipal Council. The Corporation of the City of London maintains such a long-term care home, Dearness Home, with a committee of management duly appointed under the predecessor statute and continued pursuant to the new Act and Regulation 246/22 [“Regulation”]. The municipality must appoint a committee of management, pursuant to section 135 of the Act, and members of the committee are to be appointed from among members of Council.

The existing Terms of Reference for the committee set out the composition, term of office, appointment and vacancy policies, and general meeting procedures. To reflect the changes brought in by the Act, the Terms of Reference for the committee of management have been revised, as contained in Schedule 1 of the attached By-law in Appendix “A”.

#### 2.0 Notable Amendments to Terms of Reference

##### 2.1 Appointments to the Committee

In the proposed Terms of Reference, the number of members remains the same, at five (5) appointed members of Council. Similarly, the term of appointment stays the same, but wording has been clarified to align with the start of term as set out in the *Municipal Elections Act, 1996*.

Amendments have also been made to clarify situations where a member of Council’s seat becomes vacant under the *Municipal Act, 2001* or where a member is unable to act for a period exceeding three months.

## 2.2 Screening Requirements

A notable revision to the Terms of Reference for the Committee of Management is the addition of screening requirements.

Where a long-term care home licensee is a corporation, such as is the case for the City of London, Section 75 of the Act requires that every member of the committee of management comply with all requirements of the Act.

A police record check is now required pursuant to s.81(5) of the Act, and criminal convictions or findings of professional misconduct as prescribed by ss.255-256 of the Regulation bar persons from being a member of the committee of management. This legislated change is reflected in the proposed amendment to the Terms of Reference.

A requirement to submit a declaration has been included in the proposed Terms of Reference. In summary, this declaration relates to criminal charges, judicial orders, convictions and acts of professional misconduct, as set out in the draft Declaration appended to the Terms of Reference below.

## Conclusion

The City Clerk recommends that the attached proposed by-law be introduced at the Municipal Council meeting to be held on September 27, 2022 in order to bring the Terms of Reference for the Dearness Home Committee of Management into alignment with the requirements of the *Fixing Long-Term Care Act, 2021*.

**Prepared and Recommended by: Michael Schulthess, City Clerk**

CC: Dearness Home Committee of Management  
L. Livingstone, City Manager  
K. Dickins, Deputy City Manager, Social and Health Development  
L. Hancock, Director, Long Term Care  
L. Marshall, Solicitor

## APPENDIX “A”

Bill No.  
2022

By-law No.

A By-law to amend By-law A.-6582-255 being a by-law to establish a Committee of Management for the Dearness Home and to update the Terms of Reference

WHEREAS the *Long-Term Care Homes Act, 2007* has been repealed and replaced by the *Fixing Long-Term Care Act, 2021* (“*Fixing Long-term Care Act*”);

AND WHEREAS the *Fixing Long-term Care Act* requires a municipality to establish and maintain a long-term care home;

AND WHEREAS The Corporation of the City of London has established and maintains a long-term care home known as the Dearness Home;

AND WHEREAS section 135 of the *Fixing Long-term Care Act* requires the council to appoint from among the members of the council a committee of management for the long-term care home;

AND WHEREAS subsection 330(2) of Regulation 246/22 made under the *Fixing Long-term Care Act* (“O.Reg. 246/22”) states that a committee of management that existed under section 132 of the former Act continues as a committee of management under section 135 of the *Fixing Long-term Care Act*;

AND WHEREAS section 75 of the *Fixing Long-term Care Act* sets out the duties of the committee of management;

AND WHEREAS section 81 of the *Fixing Long-term Care Act* provides that the City, as licensee, shall not permit any person who has been convicted of an offence or found guilty of an act as set out in the legislation to be a member of the committee of management;

AND WHEREAS council wishes to update the committee of management’s Terms of Reference to align with the *Fixing Long-term Care Act*;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law A.-6582-255 is amended by renaming it as follows: “A by-law to establish a Committee of Management for the Dearness Home in accordance with the *Fixing Long-term Care Act, 2021*”.
2. By-law A.-6582-255 is amended by repealing the Schedule 1 Terms of Reference, and replacing them with the attached revised Schedule 1 Terms of Reference.

3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on \_\_\_\_\_, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading -  
Second Reading –  
Third Reading –

SCHEDULE 1  
TO BY-LAW NO. A.-6582-255

**TERMS OF REFERENCE**  
**(2022 -)**

**COMMITTEE OF MANAGEMENT FOR THE DEARNESS HOME**

**COMPOSITION**

The Committee of Management will be composed of five (5) appointed members of Municipal Council.

**TERM OF OFFICE**

The term of office of a Council member who becomes a member of the Committee of Management is four years, beginning on November 15 in the year of a regular Municipal Council election.

**APPOINTMENT POLICIES**

The City Clerk, or written designate, shall convene a meeting of the Strategic Priorities and Policy Committee, as soon as possible after the Inaugural Council meeting, with respect to the appointment of Council Members to the Committee of Management. In advance of the above-noted Strategic Priorities and Policy Committee meeting, the City Clerk, or written designate, shall provide incoming Council Members with a communication briefly describing the mandate of the Committee of Management to which Council Members are to be appointed, and shall provide a document on which each Council Member is to indicate their committee, board and commission preferences. The latter document shall be returned to the City Clerk, or written designate, by a specified date, in order to form part of the agenda for the Strategic Priorities and Policy Committee meeting. Appointments to the Committee of Management shall be in keeping with the process approved by the Municipal Council.

**Screening Measures – Criminal Record Check, Professional Misconduct, Declaration Required**

No person who has been convicted of certain offences or found guilty of an act of professional misconduct as set out in the *Fixing Long-Term Care Act* may be a member of the Committee of Management (see Appendix “A”, attached to this Schedule).

Before any person is permitted to be a member of the Committee of Management, they must satisfy screening measures as required by section 256 of the *Fixing Long-Term Care Act*, and must provide the City Clerk, or written designate, with a criminal record check in accordance with the Act, as well as a signed declaration disclosing the prescribed offences or professional misconduct set out in the Act or Regulation (for instance, see s. 255 of O.Reg. 246/22).

**VACANCIES**

Where a member resigns from the Committee or their council seat becomes vacant under the *Municipal Act, 2001* or they fail the screening measures under the *Fixing Long-Term Care Act*, their seat shall be considered to be vacant.

The City Clerk, or written designate, shall canvass the Council Members to determine which Council Members would be interested in filling the vacancy. The names of the Council Members who have expressed an interest in filling the vacancy shall be placed on an agenda of the Committee of the Whole, at the earliest opportunity, for a nomination to be brought forward to Municipal Council for consideration.

Where a member is unable to act for a period exceeding three months, the Council may appoint one of its members as an alternate member to act in place of the member until the member is able to resume acting as a member.

## **MEETINGS**

The Committee of Management will meet a minimum of four times a year.

The first meeting will be called by the City Clerk, or written designate. Subsequent meetings shall be at the call of the Chair, in consultation with the Committee Clerk. All time frames established in the *Fixing Long-term Care Act* and regulations shall be adhered to.

The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting.

Quorum for meetings shall consist of a majority of the members of the Committee.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

## **CHAIR**

The Committee members will select a Chair from amongst its members at its first meeting.

## **DUTIES**

It is the duty of each member of the Committee of Management to ensure that The Corporation of the City of London (the "licensee") complies with all requirements under the *Fixing Long-term Care Act*.

In fulfilling its duties, the Committee of Management may wish to receive reports from Civic Administration with respect to the administration of the Dearness Home and the fulfillment of the duties and obligations under the *Fixing Long-term Care Act*.

The Committee of Management may provide information reports to Municipal Council.

Under section 28 of the *Fixing Long-term Care Act*, each member of the Committee of Management who has reasonable grounds to suspect that any of the following has occurred or may occur shall immediately report the suspicion and the information upon which it is based to the Director (appointed by the Minister of Health and Long-Term Care):

- improper or incompetent treatment or care of a resident that resulted in harm or a risk of harm to the resident;
- abuse of a resident by anyone or neglect of a resident by the licensee or staff that resulted in harm or a risk of harm to the resident;
- unlawful conduct that resulted in harm or a risk of harm to a resident;
- misuse or misappropriation of a resident's money;
- misuse or misappropriation of funding provided to a licensee under the Act or the *Local Health System Integration Act, 2006*, or the *Connecting Care Act, 2019*.

Pursuant to section 1 of the *Fixing Long-term Care Act*, the fundamental principle to be applied in the interpretation of the Act and anything required or permitted under the Act is that a long-term care home is primarily the home of its residents and is to be operated so that it is a place where they may live with dignity and in security, safety and comfort and have their physical, psychological, social, spiritual and cultural needs adequately met.

## **STAFF RESOURCES**

The City Clerk, or written designate, will provide administrative support to the Committee of Management. The City Clerk, or written designate, shall carry out any duties to implement the Committee of Management's decisions.

Members will not receive remuneration.

## **MEETING PROCEDURES**

Meetings of the Committee shall be covered by the Council Procedure By-law, and applicable legislation.

The City's web site will be used to communicate the meeting notices and agendas.

**APPENDIX "A"**  
**(to Schedule 1, Terms of Reference)**

[Declaration re: Member of Committee of Management  
Pursuant to *Fixing Long-Term Care Act 2021*]





## Declaration re: Member of Committee of Management Pursuant to *Fixing Long-Term Care Act, 2021*

**London**  
CANADA

Pursuant to subsection 81(5) of the *Fixing Long-Term Care Act, 2021*, and subsection 256(9) of Ontario Regulation 246/22.

I, the undersigned, understand that The Corporation of the City of London, as licensee for the Dearness Home, requires that every person who is or will become a member of the Dearness Home Committee of Management must provide a signed declaration.

As per the requirements of Ontario Regulation 246/22, I declare and disclose as follows:

1. Have you been charged with, or convicted of, any of the following offences:	YES (check box, and list details of every charge, every conviction or other outcome, and date of charge or date of conviction or other outcome e.g. not guilty, withdrawn, etc.)	NO (check box)
1. Any offence under the Act, the <i>Long-Term Care Homes Act, 2007</i> , the <i>Nursing Homes Act</i> , the <i>Charitable Institutions Act</i> or the <i>Homes for the Aged and Rest Homes Act</i> .	<input type="checkbox"/>	<input type="checkbox"/>
2. Any offence referenced at section 742.1 of the <i>Criminal Code</i> (Canada).	<input type="checkbox"/>	<input type="checkbox"/>
3. Any offence under the <i>Cannabis Act</i> (Canada), the <i>Controlled Drugs and Substances Act</i> (Canada) or the <i>Food and Drugs Act</i> (Canada).	<input type="checkbox"/>	<input type="checkbox"/>
4. Any other provincial or federal offence if the offence involved, <ul style="list-style-type: none"> <li>i. improper or incompetent treatment or care of a vulnerable person that resulted in harm or a risk of harm of any kind to the vulnerable person, including but not limited to physical, emotional, psychological or financial harm,</li> <li>ii. abuse or neglect of a vulnerable person that resulted in harm or risk of harm of any kind to the vulnerable person, including but not limited to physical, emotional, psychological or financial harm,</li> <li>iii. unlawful conduct that intentionally resulted in harm or a risk of harm of any kind to a vulnerable person, including but not limited to physical, emotional, psychological or financial harm, or</li> <li>iv. misuse or misappropriation of a vulnerable person's money.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>



## Declaration re: Member of Committee of Management Pursuant to *Fixing Long-Term Care Act, 2021*

<b>2. Have you been issued an order of a judge or justice of the peace made against you (including a peace bond, probation order, prohibition order or warrant to arrest) in respect of any of the following offences:</b>	<b>YES (check box and list details of every order and date of the order)</b>	<b>NO (check box)</b>
1. Any offence under the Act, the <i>Long-Term Care Homes Act, 2007</i> , the <i>Nursing Homes Act</i> , the <i>Charitable Institutions Act</i> or the <i>Homes for the Aged and Rest Homes Act</i> .	<input type="checkbox"/>	<input type="checkbox"/>
2. Any offence referenced at section 742.1 of the <i>Criminal Code</i> (Canada).	<input type="checkbox"/>	<input type="checkbox"/>
3. Any offence under the <i>Cannabis Act</i> (Canada), the <i>Controlled Drugs and Substances Act</i> (Canada) or the <i>Food and Drugs Act</i> (Canada).	<input type="checkbox"/>	<input type="checkbox"/>
4. Any other provincial or federal offence if the offence involved, <ul style="list-style-type: none"> <li>i. improper or incompetent treatment or care of a vulnerable person that resulted in harm or a risk of harm of any kind to the vulnerable person, including but not limited to physical, emotional, psychological or financial harm,</li> <li>ii. abuse or neglect of a vulnerable person that resulted in harm or risk of harm of any kind to the vulnerable person, including but not limited to physical, emotional, psychological or financial harm,</li> <li>iii. unlawful conduct that intentionally resulted in harm or a risk of harm of any kind to a vulnerable person, including but not limited to physical, emotional, psychological or financial harm, or</li> <li>iv. misuse or misappropriation of a vulnerable person's money.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>



## Declaration re: Member of Committee of Management Pursuant to *Fixing Long-Term Care Act, 2021*

<b>3. Has a proceeding commenced against you that could lead to a finding of guilt of an act of misconduct, or have you been found guilty of an act of misconduct, for any of the following:</b>	<b>YES (and list details of every proceeding, outcome if any, date of decision)</b>	<b>NO (check box)</b>
1. An act of misconduct as a member of a health profession as defined in the <i>Regulated Health Professions Act, 1991</i> .	<input type="checkbox"/>	<input type="checkbox"/>
2. An act of misconduct as a member of a regulated profession as defined in the <i>Fair Access to Regulated Professions and Compulsory Trades Act, 2006</i> .	<input type="checkbox"/>	<input type="checkbox"/>
3. An act of misconduct under any other scheme governing a profession, occupation or commercial activity, including a scheme a person is not required to participate in in order to practice or engage in the profession, occupation or activity.	<input type="checkbox"/>	<input type="checkbox"/>

I solemnly declare the facts on this form, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

I declare that the information I have provided above is true, complete and accurate.

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_ (yyyy/mm/dd)

### NOTICE OF COLLECTION OF PERSONAL INFORMATION

The personal information collected on this form is collected under the authority of subsection 81(5) of *the Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1 and subsection 256(9) of Ontario Regulation 246/22 and will be used by Dearness Home to ensure compliance that legislated screening measures are conducted before permitting any person to be a member of the licensee's board of directors, its board of management or committee of management or other governing structure. Questions about this collection should be addressed to the Manager, Records and Information Services, 3rd floor, City Hall, 300 Dufferin Ave., London, ON N6A 4L9. Tel: 519-661-2489, ext. 5590, email: eskalski@london.ca.



# Declaration re: Member of Committee of Management Pursuant to *Fixing Long-Term Care Act, 2021*

[included for assistance only; please refer to Justice Canada website for most recent version  
<https://www.laws-lois.justice.gc.ca/eng/acts/C-46/FullText.html>]

## Criminal Code

### Imposing of conditional sentence

**742.1** If a person is convicted of an offence and the court imposes a sentence of imprisonment of less than two years, the court may, for the purpose of supervising the offender's behaviour in the community, order that the offender serve the sentence in the community, subject to the conditions imposed under section 742.3, if

(a) the court is satisfied that the service of the sentence in the community would not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing set out in sections 718 to 718.2;

(b) the offence is not an offence punishable by a minimum term of imprisonment;

(c) the offence is not an offence, prosecuted by way of indictment, for which the maximum term of imprisonment is 14 years or life;

(d) the offence is not a terrorism offence, or a criminal organization offence, prosecuted by way of indictment, for which the maximum term of imprisonment is 10 years or more;

(e) the offence is not an offence, prosecuted by way of indictment, for which the maximum term of imprisonment is 10 years, that

(i) resulted in bodily harm,

(ii) involved the import, export, trafficking or production of drugs, or

(iii) involved the use of a weapon; and

(f) the offence is not an offence, prosecuted by way of indictment, under any of the following provisions:

(i) section 144 (prison breach),

(ii) section 264 (criminal harassment),

(iii) section 271 (sexual assault),

(iv) section 279 (kidnapping),

(v) section 279.02 (trafficking in persons — material benefit),

(vi) section 281 (abduction of person under fourteen),

(vii) section 333.1 (motor vehicle theft),

(viii) paragraph 334(a) (theft over \$5000),

(ix) paragraph 348(1)(e) (breaking and entering a place other than a dwelling-house),

(x) section 349 (being unlawfully in a dwelling-house), and

(xi) section 435 (arson for fraudulent purpose).