

No. 51

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 51

A Bill to Make Available for the Use of Elderly Residents
of the Province Low Rental Housing and Homes in Co-
operation with Municipalities and respecting Incidental
Matters

HON. MR. JORGENSON

Explanatory Note

General. This Bill will enact a new The Homes for the Aged Act, which will replace the existing Act, The Home for Aged or Infirm Act. The Act will confine its benefits to active elderly persons rather than aged and infirm, for it contemplates other legislation respecting infirm aged persons. As this Act will entirely replace the present Act, no references are made in these notes to sections of the present Act, which may however be found in chapter 141 of the Revised Statutes, 1955.

Under the scheme here authorized, low rental housing units and homes, or both, may be established in a municipality for residents of that municipality alone, or for residents of several co-operating municipalities. These units or homes would be established by agreement with the Minister and municipalities concerned which is termed the "master agreement". When land is acquired and the units and homes constructed, it is the plan that the units and homes would be turned over to a body corporate, (termed a foundation) created by order in council with all power necessary to operate and maintain the units or home on behalf of the parties to the master agreement. It is planned that contracting municipalities share the land acquisition costs, and, if necessary, the operating deficiencies of a foundation; that the contracting municipalities designate the personnel of the directors of the foundation; while the Minister would provide the physical plant of the low rental units or homes to the foundation.

Provision is made for grants to municipalities for elderly persons being supported by a municipality in a foundation or private home. Provision is also made for licensing private homes.

This Bill would become operative on 1st of April, 1959.

1. Short title.

2. Definitions.

BILL

No. 51 of 1959

An Act to Make Available for the Use of Elderly Residents of the Province Low Rental Housing and Homes in Co-operation with Municipalities and respecting Incidental Matters

(Assented to _____, 1959)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Homes for the Aged Act*".

2. In this Act,

- (a) "contracting municipality" means a municipality that has entered into a master agreement under this Act;
- (b) "elderly person" means a person of advanced years who is not suffering from any chronic disease that incapacitates him;
- (c) "foundation" means a body corporate constituted pursuant to section 9;
- (d) "governing municipal Act" means the Act under which a municipality is constituted and whereby its powers of local government are derived;
- (e) "home" means a home for the use of elderly persons not capable of maintaining or not desiring to maintain their own housing accommodation;
- (f) "master agreement" means the agreement entered into pursuant to section 4;
- (g) "Minister" means the Minister of Public Welfare;
- (h) "municipality" means a city, town, village, county, municipal district, improvement district or special area;
- (i) "prescribed" means prescribed by regulations;
- (j) "private home" means a building owned or operated by a person or group of persons or by a religious or charitable organization wherein three or more elderly persons are accommodated for compensation;
- (k) "project" means the acquisition of land for, and the construction of, a low rental housing unit or home in a municipality pursuant to this Act;

3. Purpose of Act.

4. Master agreement.

- (l) "unit" means a low rental housing unit for the use of elderly persons capable of maintaining their own housing accommodation.

Foundations

3. The purpose of this Act is to provide a means whereby low rental housing units and homes for the elderly persons of the Province may be made available in or to the municipalities of the Province, and for the accomplishment of this purpose to provide

- (a) for the execution of agreements between the Minister and municipalities,
- (b) for the acquisition and development of land for homes and low rental housing units,
- (c) for the construction, maintenance and operation of homes and low rental housing units, and
- (d) for the creation and constitution of local bodies to operate homes and units on behalf of the parties to a master agreement.

4. (1) Where a municipality desires a project to be undertaken within its limits or wholly or partly within the limits of any other municipality, the municipality may enter into a master agreement with the Minister or with the Minister and any one or more municipalities, for the purpose of providing units or homes or both for elderly residents of the municipality.

(2) The master agreement may provide for

- (a) the acquisition by purchase or otherwise of land by the municipality or any contracting municipality,
- (b) the construction, furnishing, equipping and operation of units or homes or both as deemed necessary by the parties,
- (c) the establishment and composition of foundations to manage and operate the units and homes on behalf of the parties to the master agreement,
- (d) the representation of a contracting municipality on the board of directors of a foundation,
- (e) the sharing by the contracting municipalities of the acquisition cost of lands for a foundation and of the annual operating costs of the foundation,
- (f) the fixing of rentals for units or rates for accommodation in homes operated by the foundation, and
- (g) such other matters and things as may be necessary for the purposes of the project, foundation or the operation and management of units and homes to be provided pursuant to the agreement.

5. Acquisition of land.

6. Borrowings by municipality.

7. Avoiding delay in project.

8. Powers of contracting municipality.

9. Powers of foundations.

5. For the purpose of any undertaking by a municipality pursuant to a master agreement, the municipality may acquire land in the same manner and to the same extent as it may acquire land for any municipal purpose under its governing municipal Act.

6. (1) For the purpose of any undertaking by a municipality pursuant to a master agreement, the municipality may obtain any moneys required therefor by the issue of debentures, by temporary loans or out of general revenue and may assess and levy a tax for the raising thereof or for the payment of debentures or temporary borrowings.

(2) Where a municipality borrows money pursuant to this Act, the assent of the ratepayers and the consent of the Board of Public Utility Commissioners thereto need not be obtained, but in all other respects the borrowing shall be made in accordance with the governing municipal Act.

7. Notwithstanding any other Act, the Lieutenant Governor in Council may authorize a municipality in which a project is wholly or partly undertaken or to be undertaken pursuant to a master agreement under this Act to do such acts or things as are deemed expedient in order to avoid undue delay in the development of any such project, including the furnishing of municipal services.

8. (1) Subject to the regulations and notwithstanding any governing municipal Act or any other Act of the Legislature, a contracting municipality may, without the assent of its ratepayers or electors, do all things necessary or conducive to the effective carrying out of its obligations or commitments under a master agreement.

(2) Without limiting the general powers conferred by this Act or by subsection (1) upon a contracting municipality, a contracting municipality may

- (a) enter into an agreement with
 - (i) the Minister,
 - (ii) any other municipality, and
 - (iii) a foundation,
 for the operation and management of units and homes,
- (b) in accordance with a master agreement, appropriate moneys from the general revenue of the municipality to defray the municipality's portion of the annual amount, if any, by which rentals or rates fall short of the full cost of operating, maintaining and managing units or homes or both operated under the terms of a master agreement.

9. (1) The Lieutenant Governor in Council, by order, may constitute bodies corporate, herein called foundations, with such powers and duties as are deemed expedient to carry out the terms of any master agreement, including, without limiting the generality of the foregoing,

10. Regulations.

11. Licence to operate home.

12. Application for licence.

- (a) the power to acquire and hold land required for units and homes, and to alienate land in accordance with the terms of any master agreement,
- (b) the power to operate and manage units or homes or both under the terms of a master agreement,
- (c) the power to enter into contracts with the parties to a master agreement for the purpose of operating and managing any units or homes turned over to the body corporate under a master agreement.

(2) Except as otherwise expressly limited in the order constituting it, a foundation constituted pursuant to this section, has all the powers of a corporation under section 14 of *The Interpretation Act, 1958*.

(3) A foundation shall be composed of persons designated from time to time by the parties to the master agreement in accordance with the terms of the order of the Lieutenant Governor in Council constituting the foundation a body corporate.

10. The Lieutenant Governor in Council may make regulations

- (a) governing the appointment of the boards of directors, boards of management and of the officers and employees of foundations,
- (b) prescribing the form and contents of agreements for use under this Act,
- (c) governing the equipment and furnishing of units and homes,
- (d) governing the manner of computing the cost of maintenance of persons residing in homes or units,
- (e) governing the use and disposal of and the accrual of surpluses from the operation of units and homes,
- (f) fixing licence fees, prescribing the form of licences for private homes,
- (g) prescribing the books and records to be kept by licensees of private homes, and
- (h) governing such other matters as may be deemed necessary to carry out the intent and object of this Act.

Licensing of Private Homes

11. No person shall operate a private home unless he is licensed by the Minister to do so.

12. (1) An application for a licence to operate a private home shall be made to the Minister in writing and accompanied by the prescribed fee.

(2) The application shall show the maximum number of persons that may be accommodated in the private home, and that information shall be contained in any licence issued for the private home.

13. Time for application of licence.

14. Records open for inspection.

15. Offence and penalty.

16. Grants to elderly persons.

17. Resident of municipality determined.

(3) The Minister may, in his discretion, refuse to grant a licence to operate a private home.

(4) Unless sooner cancelled a licence continues in force for one year from the date of its issue.

(5) Where a licence has been issued by the Minister, the Lieutenant Governor in Council may, for any cause deemed sufficient, cancel the licence by order.

13. Where a private home is in operation upon the commencement of this Act, the operator thereof shall apply for a licence within three months thereafter and for that period is not in contravention of this Act merely by reason of operating the private home without a licence.

14. A licensee shall keep such books and records of operations as may be prescribed, and the premises, books and records of the licensee shall be kept open for the inspection of officials appointed by the Minister to inspect private homes.

15. A person who contravenes any provision of this Act is guilty of an offence and liable on summary conviction to a fine of not more than twenty-five dollars and in default of payment thereof to imprisonment for a term not exceeding one week.

Grants

16. (1) Where a municipality has assumed the obligation of assisting an elderly person who is a resident of the municipality, if the elderly person has been admitted to any unit, home or private home and the municipality contributes to his support therein, the Minister may pay to the municipality, a grant in respect of that elderly person.

(2) The Minister may prescribe from time to time the amounts of the grants to be paid under this section and the method and time of payment thereof, but in no case shall a grant in respect of an elderly person exceed eighty per cent of the amount paid by the municipality for the support of that person.

17. (1) To determine whether a person is a resident of a municipality for the purposes of this Part the following rules apply:

- (a) a person, who on the date of his admission to a unit, home or private home, has then resided within the boundaries of a municipality without assistance from public funds for twelve months out of the twenty-four months immediately preceding the date of his admission shall be deemed to be the resident of that municipality;
- (b) a person who on the date of his admission to a unit, home or private home
 - (i) is in receipt of assistance from public funds,
 - or

18. Expense of administration.

19. Chapter 141 repealed.

20. Coming into force.

(ii) has been in receipt of such assistance at any time within the preceding twelve months, shall be deemed to be a resident of the municipality that is liable for the payment of such assistance.

(2) **Neither**

(a) assistance given under *The Mothers Allowance Act*, *The Workmen's Compensation Act*, *The Old Age Assistance Act*, the *Old Age Security Act (Canada)*, *The Blind Persons Act*, *The Widows' Pension Act*, *The Disabled Persons' Pensions Act* or *The Disabled Persons Act*, nor

(b) assistance in the form of a pension or allowance for services performed,

shall be deemed assistance from public funds within the meaning of this Act.

(3) A person while living in a unit, home or private home supported in whole or in part by public funds,

(a) shall be deemed not to be a self-supporting person,

(b) shall be deemed not to acquire residence within the boundaries of the municipality in which the establishment is situated, and

(c) shall be deemed to retain the residence he had at the time of entering the establishment.

(4) Subsection (3) does not apply to a person while he is a regular member of the paid staff of the foundation or private home.

General

18. The expense of administering this Act shall be defrayed from the moneys appropriated therefor by the Legislature and in the absence of any appropriation out of the General Revenue Fund.

19. *The Home for Aged or Infirm Act*, being chapter 141 of the Revised Statutes, is repealed.

20. This Act comes into force on the first day of April, 1959.

No. 51

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to Make Available for the
Use of Elderly Residents of the
Province Low Rental Housing and
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icipalities and respecting Incidental
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Received and read the

First time.....

Second time.....

Third time.....

HON. MR. JORGENSEN
