



The Ontario Gazette

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Le samedi 13 avril 2002

Parliamentary Notice Avis parlementaire

NOTICE OF ELECTION

Provincial By-Elections will be held to choose representatives for the Legislative Assembly of the Province of Ontario for the Electoral Districts of Dufferin-Peel-Wellington-Grey and Nipissing on Thursday May 2, 2002.

Qualified Electors should take note of the following information:

Additions to the List of Electors may be made up to Wednesday, May 1, 2002. Voters whose names are not on the List of Electors and who wish to protect their right to vote must visit their Electoral District Returning Office to obtain a Certificate to Vote up to Wednesday, May 1, 2002 (Sundays excluded) from 10 a.m. until 8 p.m.

Official Nomination of Candidates closes Thursday, April 18, 2002 at 2 p.m. in the Returning Office.

Advance Polls will be held at locations chosen for ease of access on Wednesday, April 24, Thursday, April 25 and Friday, April 26, 2002 from 10 a.m. until 8 p.m. or in the office of the Electoral District Returning Officer from Saturday, April 20 to Friday, April 26, 2002 (Sunday excluded) from 10 a.m. until 8 p.m.

Election Day, Thursday, May 2, 2002, from 9 a.m. until 8 p.m.

Dated this 4th day of April, 2002

AVIS D'ÉLECTION

Des élections partielles provinciales auront lieu pour choisir des représentants à l'Assemblée législative de la province de l'Ontario pour les circonscriptions électorales de Dufferin-Peel-Wellington-Grey et Nipissing le jeudi 2 mai 2002.

Les personnes habilitées à voter devraient prendre note des renseignements suivants:

Les additions à la liste des électeurs peuvent être faites au plus tard le mercredi 1^{er} mai 2002. Les électeurs dont le nom ne figure pas sur la liste des électeurs et qui désirent s'assurer qu'ils pourront voter doivent

se présenter au bureau du directeur du scrutin de leur circonscription électorale pour obtenir une Autorisation de voter jusqu'au mercredi 1^{er} mai 2002 (sauf les dimanches) de 10h00 à 20h00.

La présentation officielle des candidatures doit être faite au plus tard le jeudi 18 avril 2002 à 14h00 au bureau du directeur du scrutin.

Les bureaux de vote par anticipation seront ouverts dans des locaux choisis en fonction de leur accessibilité les mercredi 24 avril, jeudi 25 avril et vendredi 26 avril 2002 de 10h00 à 20h00 ou au bureau du directeur du scrutin de la circonscription électorale du samedi 20 avril au vendredi 26 avril 2002 (sauf le dimanche) de 10h00 à 20h00.

Jour du scrutin, le jeudi 2 mai 2002 de 9h00 à 20h00.

Daté ce 4^{ième} jour d'avril 2002

15/02

JOHN L. HOLLINS
Chief Election Officer
Directeur général des élections.

Ontario Highway Transport Board

IN THE MATTER of the *Public Vehicles Act*,
AND IN THE MATTER of the *Motor Vehicle Transport Act, 1987*
AND IN THE MATTER of:

1. Erla Hoyte – File #46064-RE(1)
2. Timothy Marshall – File #46065-RE(1)
3. Sunlink Holidays Inc. – File #46061-RE(1)
4. Voyage Veronique Inc. – File #46062-RE(1)
5. 3020362 Canada Inc. – File #46063-RE(1)

All above located at: 5958 B Monkland Ave., Montreal, Quebec H4A 1G8

NOTICE

The Board is in receipt of an application by Trentway-Wagar Inc. ("Trentway") pursuant to Sections 10 and 11 of the *Public Vehicles Act*. Trentway has satisfied the Board that there are apparent grounds to suspend, cancel or impose conditions on the above named operating licences or issue an order described in Section 11(3) of the *Public Vehicles Act*.

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et aux entreprises

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All Information pertaining to these matters is on file at the Board and can be made available on request. (Telephone 416-326-6732).

TAKE NOTICE that the Board will hold a hearing on these matters to determine whether to issue an order described in Section 11(3) of the *Public Vehicles Act*.

The hearing will be held on **Thursday the 9th day of May, 2002 at 10:00 a.m. in the "Tchaikovsky Room" at the Delta Montreal, 475 President Kennedy, Montreal, PQ H3A 1G7.**

AND FURTHER TAKE NOTICE that should any party to these proceedings not attend at the time and place shown for the hearing, the Board may proceed in their absence and they will not be entitled to any further notice in this proceedings.

AND FURTHER TAKE NOTICE that any interested person (*i.e.* a person who has an economic interest in the outcome of the matter) may file a statement with the Board and serve it on the persons or companies named above at least 10 days before the hearing date and pay a fee of \$400.00 payable to the Minister of Finance.

Felix D'Mello
Board Secretary

IN THE MATTER of the *Public Vehicles Act*,
AND IN THE MATTER of the *Motor Vehicle Transport Act, 1987*
AND IN THE MATTER of:

1. Ali Bozpapagan – File #46075-RE(1)
2. Mitat Bozpapagan – File #46076-RE(1)
3. Chartered Mini-Van Service – File #46073-RE(1)
4. Top Quality Service/Charter Trips – File #46077-RE(1)
5. 1461925 Ontario Ltd. – File #46074-RE(1)

All above located at: 999 Caledonia Rd. #2, Toronto, Ontario M6B 3Y4

NOTICE

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All Information pertaining to these matters is on file at the Board and can be made available on request. (Telephone 416-326-6732).

TAKE NOTICE that the Board will hold a hearing on these matters to determine whether to issue an order described in Section 11(3) of the *Public Vehicles Act*.

The hearing will be held on **Tuesday the 7th day of May, 2002 at 10:00 a.m. at the Boards Chambers at 151 Bloor Street West, 10th Floor, Toronto, Ontario M5S 2T5.**

AND FURTHER TAKE NOTICE that should any party to these proceedings not attend at the time and place shown for the hearing, the Board may proceed in their absence and they will not be entitled to any further notice in this proceedings.

AND FURTHER TAKE NOTICE that any interested person (*i.e.* a person who has an economic interest in the outcome of the matter) may file a statement with the Board and serve it on the persons or companies named above at least 10 days before the hearing date and pay a fee of \$400.00 payable to the Minister of Finance.

Felix D'Mello
Board Secretary

IN THE MATTER of the *Public Vehicles Act*,
AND IN THE MATTER of the *Motor Vehicle Transport Act, 1987*
AND IN THE MATTER of:

1. Canex Canada Inc. – File #46066-RE(1)

- (o/a Max Express/Canadian Travel Service)
2. Subramaniam Gugasuthan – File #46068-RE(1)
3. Gunaratnam Puvaneswary – File #46069-RE(1)
4. Sankar International Inc. – File #46067-RE(1)

All above located at: 2425 Eglinton Ave. E., Scarborough, Ontario M1K 5G8

NOTICE

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All Information pertaining to these matters is on file at the Board and can be made available on request. (Telephone 416-326-6732).

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Felix D'Mello
Board Secretary

IN THE MATTER of the *Public Vehicles Act*,
AND IN THE MATTER of the *Motor Vehicle Transport Act, 1987*
AND IN THE MATTER of:

1. Harjeet S. Bajwa – File #46071-RE(1)
 2. Ranjit Singh Randhawa – File #46072-RE(1)
 3. 3599345 Canada Inc. – File #46070-RE(1)
- (o/a Harman Travel)

All above located at: 3933 Longo Circle, Mississauga, Ontario L4Y 4C6

NOTICE

The Board is in receipt of an application by Trentway-Wagar Inc. ("Trentway") pursuant to Sections 10 and 11 of the *Public Vehicles Act*. Trentway has satisfied the Board that there are apparent grounds to suspend, cancel or impose conditions on the above named operating licences or issue an order described in Section 11(3) of the *Public Vehicles Act*.

All Information pertaining to these matters is on file at the Board and can be made available on request. (Telephone 416-326-6732).

TAKE NOTICE that the Board will hold a hearing on these matters to determine whether to issue an order described in Section 11(3) of the *Public Vehicles Act*.

The hearing will be held on **Tuesday the 7th day of May, 2002 at 10:00 a.m. at the Boards Chambers at 151 Bloor Street West, 10th Floor, Toronto, Ontario M5S 2T5.**

AND FURTHER TAKE NOTICE that should any party to these proceedings not attend at the time and place shown for the hearing, the Board may proceed in their absence and they will not be entitled to any further notice in this proceedings.

AND FURTHER TAKE NOTICE that any interested person (i.e. a person who has an economic interest in the outcome of the matter) may file a statement with the Board and serve it on the persons or companies named above at least 10 days before the hearing date and pay a fee of \$400.00 payable to the Minister of Finance.

Felix D'Mello
Board Secretary

NOTICE

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the *Motor Vehicle Transport Act, 1987*, and the *Public Vehicles Act*. All information pertaining to the applicant (i.e. business plan, supporting evidence, etc.) is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,
4. pay the appropriate fee.

Serving and filing an objection may be effected by hand delivery, mail, courier or facsimile. Serving means the date received by a party and filing means the date received by the Board.

LES LIBELLÉS DES DEMANDES PUBLIÉES CI-DESSOUS SONT AUSSI DISPONIBLES EN FRANÇAIS SUR DEMANDE.

Francine Chevalier (o/a Lakeshore Transit) 46050
331 Hale St., P. O. Box 232, Stoney Point, ON N0R 1N0

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the County of Essex to the Ontario/USA border crossings for furtherance to points as authorized by the relevant jurisdiction;

- (i) and for the return of the same passengers on the same chartered trip to point of origin;

Provided that there shall be no pick up or discharge of passengers except at point of origin.

- (ii) on a one way chartered trip to points as authorized by the relevant jurisdiction.

PROVIDED THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982, under the *Public Vehicles Act*, RSO 1990, Chapter P 54.

Applies for a public vehicle operating licence 46050-A as follows:

1. For the transportation of passengers on a chartered trip from the points in the County of Essex and the Town of Tilbury.

2. For the transportation of passengers on a scheduled service between points in the County of Essex and the Town of Tilbury.

Provided that chartered trips be prohibited.

PROVIDED THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982, under the *Public Vehicles Act*, RSO 1990, Chapter P 54.

Transtario M. E. Inc. 46057
P. O. Box 992, Bradford, ON L3Z 2B4

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the City of Toronto, the Regional Municipalities of Peel, York and Durham and the Counties of Simcoe and Dufferin to the Ontario/Manitoba, Ontario/Quebec and Ontario/USA border crossings for furtherance to points as authorized by the relevant jurisdiction and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT:

1. there be no pick up or discharge of passengers except at point of origin;
2. the licensee be restricted to the use of a total of four (4) Class "A" public vehicles only under both the *Public Vehicles Act* and the *Motor Vehicle Transport Act*;
3. the licensee be prohibited from the use of Classes "B", "C" and "D" public vehicles;

AND PROVIDED THAT the current terms of X-3268 in the name of Gary Bolton be cancelled.

NOTE: This replaces terms which appeared in the Ontario Gazette dated Mar. 2, 2002.

Applies for a public vehicle operating licence 46057-A as follows:

For the transportation of passengers on a chartered trip from points in the City of Toronto, the Regional Municipalities of Peel, York and Durham and the Counties of Simcoe and Dufferin.

PROVIDED THAT:

1. there be no pick up or discharge of passengers except at point of origin;
2. the licensee be restricted to the use of a total of four (4) Class "A" public vehicles only under both the *Public Vehicles Act* and the *Motor Vehicle Transport Act*;
3. the licensee be prohibited from the use of Classes "B", "C" and "D" public vehicles;

AND PROVIDED THAT the current terms of PV-5202 in the name of Gary Bolton be cancelled.

NOTE: This replaces terms which appeared in the Ontario Gazette dated Mar. 2, 2002.

Felix D'Mello
Board Secretary/
Secrétaire de la Commission

15/02

**Applications to
Provincial Parliament — Private Bills
Demandes au Parlement
provincial — Projets de loi d'intérêt privé**

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders, and the guide "Procedures for Applying for Private Legislation", may be obtained from the Legislative Assembly's Internet site at <http://www.ontla.on.ca> or from:

Committees Branch
Room 1405, Whitney Block, Queen's Park
Toronto, Ontario M7A 1A2

Telephone: 416/325-3500 (Collect calls will be accepted.)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

(8699) T.F.N. CLAUDE L. DESROSIERS,
Clerk of the Legislative Assembly.

**Applications to Provincial Parliament
Demandes au Parlement provincial**

NOTICE OF APPLICATION FOR SPECIAL LEGISLATION

NOTICE IS HEREBY GIVEN that, on behalf of the City of Ottawa ("City"), application will be made to the Legislative Assembly of the Province of Ontario for an Act in respect of the matter set out below.

To enable the City to pass by-laws requiring that all or any class of shops in the City as defined in subsection (1) of Section 214 of the *Municipal Act* close and remain closed on the 11th day of November of each year until 12:30 o'clock in the afternoon.

Shop is defined in subsection 214 (1) of the *Municipal Act R.S.O. 1990, Chap. M. 45*, as amended, to mean "a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops, and hat cleaning and blocking businesses, but does not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house."

A copy of the draft bill is available in the office of the City Clerk, Ottawa City Hall, 110 Laurier Avenue West, Ottawa.

The Standing Committee on Regulations and Private Bills will consider the application. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario, M7A 1A2.

Dated at Ottawa, this 6th day of March, 2002.

J. JERALD BELLOMO,
City Solicitor,
City of Ottawa,
City Hall, Legal Services,
110 Laurier Avenue West,
Third Floor,
Ottawa, Ontario K1P 1J1
Solicitor for the Applicant

13 to 16/02

**Sales of Lands for Tax Arrears
by Public Tender
Ventes de terrains par appel d'offres
pour arriéré d'impôt**

MUNICIPAL TAX SALES ACT

R.S.O. 1990, c. M.60, s. 9 (2) (d), R.R.O. 1990, Reg. 824

THE CORPORATION OF THE CITY OF ORILLIA

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on May 8, 2002, at the Orillia City Centre, 50 Andrew St. South, Orillia, Ontario L3V 7T5.

The tenders will then be opened in public on the same day at the Orillia City Centre, 50 Andrew St. South, Orillia, Ontario L3V 7T5.

Description of Land(s)	Minimum Tender Amount
182 Nottawasaga St., Orillia Roll No. 43 52 030 305 01500 PIN 58651-0052(LT) Part Lot 18 on the North Side of Nottawasaga Street, Plan 137, City of Orillia, County of Simcoe (No. 51), as in Instrument No. RO762170. File No. SOOA00-14	\$27,518.03

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

The municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

MR. BOB RIPLEY
Treasurer
The Corporation of the
City of Orillia
Orillia City Centre
50 Andrew St. South
Orillia, Ontario L3V 7T5
(705) 329-7242

15/02

MUNICIPAL TAX SALES ACT

R.S.O. 1990, c. M.60, s. 9 (2) (d), R.R.O. 1990, Reg. 824

THE CORPORATION OF THE CITY OF PEMBROKE

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on May 8, 2002, at the City Hall, 1 Pembroke Street East, P.O. Box 277, Pembroke, Ontario K8A 6X3.

The tenders will then be opened in public on the same day at City Hall, 1 Pembroke Street East, P.O. Box 277, Pembroke, Ontario K8A 6X3.

Description of Land(s) Minimum
Tender Amount

304 & 306 Miller St., Pembroke.
Roll No. 47 64 000 050 12400
PIN 57164-0084(LT) Part of Lot 2, and the
whole of Lot 3, Block 12, Plan 30, City of
Pembroke, County of Renfrew (No. 49),
as in Instrument No. R228430 File No. 00-21 \$14,988.90

389 Murray St., Pembroke.
Roll No. 47 64 000 050 14700
PIN 57164-0070(LT) Part of Lots 11 & 12,
Block 13, Plan 30, City of Pembroke,
County of Renfrew (No. 49) As in
Instrument No. R157134. File No. 00-22 \$22,855.78

Roll No. 47 64 000 050 15401
PIN 57164-0075(LT) Part of Lot 8, Block 13,
Plan 30 on D'Arcy Street, being the lands
in Instrument No. PMC21740. City of Pembroke,
County of Renfrew (No. 49), SAVE AND EXCEPT
the lands in Instrument No. PMC25281.
Being the whole of the PIN. File No. 00-23 \$6,022.14

Roll No. 47 64 000 060 00850
PIN 57139-0122(LT) Part of Lot 60, Plan 9,
lying North of CPR & West of R180792. In the
City of Pembroke, County of Renfrew (No. 49).
Being the whole of the PIN. File No. 00-29 \$4,814.37

446 Munro St., Pembroke.
Roll No. 47 64 000 065 22000
PIN 57167-0141(LT) Lots 1, 2 and 3, Block P,
Plan 27, City of Pembroke, County of Renfrew
No. 49) File No. 00-30 \$12,030.36

523 Boundary Rd. East, Pembroke.
Roll No. 47 64 000 065 24500
PIN 57167-0059(LT) Lot 232, Plan 163, part of
Lots 185, 186 & 187, Plan 163, City of Pembroke,
County of Renfrew (No. 49) As in Instrument
No. R381522. File No. 00-31 \$32,971.35

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality and representing at least 20 per cent of the tender amount.

The municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

MR. ROBERT SPADONI
Treasurer
The Corporation of the
City of Pembroke
City Hall
1 Pembroke Street East,
P.O. Box 277
Pembroke, Ontario K8A 6X3
(613) 735-6821

15/02

MUNICIPAL TAX SALES ACT

THE CORPORATION OF THE TOWN OF DEEP RIVER

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on May 29, 2002 at the Municipal Hall, 100 Deep River Road, Town of Deep River, Ontario, K0J 1P0.

The tenders will then be opened in public on the same day at 4.00 p.m. at the aforementioned location.

Description of Land(s) Minimum
Tender Amount
(set out the cancellation price
as of the first day of advertising)

Roll No.: 47 96 000 035 12757 0000.
PIN 57064 0016(LT). Pt. Blk. A, Pl. 415,
Pt. 7 & 8, 49R3695; S/T R130391, now Town of
Deep River, County of Renfrew, and province
of Ontario. Being all of PIN 57064 0016(LT) \$9,118.65

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the Corporation of the Town of Deep River, and representing at least 20 per cent of the tender amount.

The Corporation of the Town of Deep River makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

This sale is governed by the *Municipal Tax Sales Act* being chapter M.60 of the Revised Statutes of Ontario 1990 and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

BRIAN QUIBELL,
Treasurer
The Corporation of the
Town of Deep River
100 Deep River Rd.,
Deep River, Ontario, K0J 1P0

15/02

MUNICIPAL TAX SALES ACT

THE CORPORATION OF THE TOWN OF DEEP RIVER

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on May 29, 2002 at the Municipal Hall, 100 Deep River Road, Town of Deep River, Ontario, K0J 1P0.

The tenders will then be opened in public on the same day at 4.00 p.m. at the aforementioned location.

Description of Land(s) Minimum
Tender Amount
(set out the cancellation price
as of the first day of advertising)

Roll No.: 47 96 000 035 12753 0000.
PIN 57064 0017(LT). Pt. Blk. A, Pl. 415,
Pt. 4, 49R3695; now Town of Deep River,
County of Renfrew, and province of Ontario.
Being all of PIN 57064 0017(LT) \$8,404.68

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the Corporation of the Town of Deep River, and representing at least 20 per cent of the tender amount.

The Corporation of the Town of Deep River makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchaser(s).

This sale is governed by the *Municipal Tax Sales Act* being chapter M.60 of the Revised Statutes of Ontario 1990 and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

BRIAN QUIBELL,
Treasurer
The Corporation of the
Town of Deep River
100 Deep River Rd.,
Deep River, Ontario, K0J 1P0

15/02

MUNICIPAL TAX SALES ACT

THE CORPORATION OF THE TOWN OF DEEP RIVER

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on May 29, 2002 at the Municipal Hall, 100 Deep River Road, Town of Deep River, Ontario, K0J 1P0.

The tenders will then be opened in public on the same day at 4.00 p.m. at the aforementioned location.

Minimum

Tender Amount

(set out the cancellation price
as of the first day of advertising)

Description of Land(s)

Roll No.: 47 96 000 035 12751 0000.

PIN 57064 0018(LT). Pt. Blk. A, Pl. 415,

Pt. 2, 49R3695; now Town of Deep River,

County of Renfrew, and province of Ontario.

Being all of PIN 57064 0018(LT) \$9,458.32

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the Corporation of the Town of Deep River, and representing at least 20 per cent of the tender amount.

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This sale is governed by the *Municipal Tax Sales Act* being chapter M.60 of the Revised Statutes of Ontario 1990 and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

BRIAN QUIBELL,
Treasurer
The Corporation of the
Town of Deep River
100 Deep River Rd.,
Deep River, Ontario, K0J 1P0

15/02

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2002—04—10

ONTARIO REGULATION 117/02

made under the

RETAIL SALES TAX ACT

Made: March 20, 2002
Filed: March 25, 2002

Amending Reg. 1012 of R.R.O. 1990
(Definitions by Minister, Exemptions, Forms and Rebates)

Note: Regulation 1012 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. Regulation 1012 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

3.1.1 (1) This section sets out the exclusions from the definition of “promotional distribution” in subsection 1 (1) of the Act.

(2) The provision of a cellular telephone to a person (the “recipient”) at less than full fair value is excluded from the application of the definition of “promotional distribution” if all of the following criteria are met:

1. The cellular telephone is provided to the recipient on or after December 18, 1997.
2. Tax is or will be paid on any fair value paid at the time of retail sale.
3. The cellular telephone cannot be used to access services of a person other than the person (the “service provider”) who provided it or caused it to be provided to the recipient at less than full fair value.
4. The services of the service provider that can be accessed by using the cellular telephone include taxable services.
5. The service provider has the reasonable expectation that the revenue he, she or it receives from all taxable services described in paragraph 4 will equal or exceed the sum of,
 - i. the cost of all taxable services described in paragraph 4, and
 - ii. the amount by which the full fair value of all of the cellular telephones described in paragraph 3 exceeds the amount, if any, that the recipients pay for them.

JAMES M. FLAHERTY
Minister of Finance

Dated on March 22, 2002.

15/02

ONTARIO REGULATION 118/02

made under the

RETAIL SALES TAX ACT

Made: March 22, 2002
Filed: March 25, 2002

Amending Reg. 1012 of R.R.O. 1990
(Definitions by Minister, Exemptions, Forms and Rebates)

Note: Since the end of 2001, Regulation 1012 has been amended by Ontario Regulation 117/02. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. Section 1 of Regulation 1012 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:

“audio book” means an audio recording in which all or substantially all of the content is a spoken reading of a book;

2. The Regulation is amended by adding the following section:

14.3 (1) A purchaser of an audio book is exempt under paragraph 66 of subsection 7 (1) of the Act from tax,

- (a) if he or she is legally blind and the audio book is purchased for his or her own use; or
- (b) if he or she purchases the audio book on behalf of a person who is legally blind for that person’s own use.

(2) For the purposes of subsection (1), a person is legally blind if his or her permanent visual acuity in both eyes with proper refractive lenses is 20/200 or less, when measured using a Snellen chart or a chart that is equivalent to a Snellen chart, or whose greatest diameter of field of vision is permanently less than 20 degrees.

2. This Regulation comes into force on the day that subsection 192 (3) of the *Responsible Choices for Growth and Fiscal Responsibility Act (Budget Measures), 2001* comes into force.

JAMES M. FLAHERTY
Minister of Finance

Dated on March 22, 2002.

15/02

ONTARIO REGULATION 119/02

made under the

CHARITABLE INSTITUTIONS ACT

Made: March 20, 2002

Filed: March 28, 2002

Amending Reg. 69 of R.R.O. 1990
(General)

Note: Regulation 69 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. (1) Subsection 1 (1) of Regulation 69 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:

“continuum of care applicant”, in relation to a continuum of care approved charitable home for the aged, means a person who resides in a project set out opposite the approved charitable home for the aged in Column 2 of the Continuum of Care Facilities Table and has resided there as of a date earlier than July 1, 1994;

“Continuum of Care Facilities Table” means the table published by the Ministry of Health and Long-Term Care that is titled “Continuum of Care Facilities Table” and that is dated October 24, 1996;

“continuum of care approved charitable home for the aged” means an approved charitable home for the aged set out in Column 1 of the Continuum of Care Facilities Table;

“interim bed” means a bed that exists in an approved charitable home for the aged for a temporary period of time under the terms of a service agreement for interim beds;

(2) The definitions of “private room” and “registered nurse” in subsection 1 (1) of the Regulation are revoked and the following substituted:

“private room” means a room with one bed, other than,

- (a) a room with one bed that is part of a semi-private room described in clause (b) of the definition of “semi-private room”, or
- (b) a room that is designated by an approved corporation as a standard room;

“registered nurse” means a member of the College of Nurses of Ontario who holds a certificate of registration as a registered nurse under the *Nursing Act, 1991*;

(3) Subsection 1 (1) of the Regulation is amended by adding the following definitions:

“related temporary approved charitable home for the aged” means, where all or some of the beds in an approved charitable home for the aged are to be temporarily or permanently closed, another approved charitable home for the aged, if any, that is operated by the same approved corporation and is to provide beds to residents of the original approved charitable home for the aged on a temporary basis until beds in the re-opened approved charitable home for the aged or replacement approved charitable home for the aged are available for those residents;

“related temporary home” has the same meaning as in Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*;

“related temporary nursing home” has the same meaning as in Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*;

“re-opened approved charitable home for the aged” means, where all or some of the beds in an approved charitable home for the aged are to be temporarily closed, the same approved charitable home for the aged once those beds are re-opened;

“re-opened home” has the same meaning as in Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*;

“re-opened nursing home” has the same meaning as in Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*;

“replacement approved charitable home for the aged” means, where all or some of the beds in an approved charitable home for the aged are to be permanently closed, the new approved charitable home for the aged, if any, to be operated by the same approved corporation and to serve as a replacement for the beds being closed in the original approved charitable home for the aged;

“replacement home” has the same meaning as in Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*;

“replacement nursing home” has the same meaning as in Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*;

(4) The definition of “semi-private room” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“semi-private room” means,

- (a) a room with two beds, other than a room that is designated by an approved corporation as a standard room, or
- (b) a room with one bed that is joined to another room with one bed by a washroom shared by both rooms, other than a room that is designated by an approved corporation as a standard room;

(5) Subsection 1 (1) of the Regulation is amended by adding the following definition:

“veterans’ priority access bed” means a bed that has been designated as a veteran’s priority access bed under section 9.8 of the Act.

2. Clause 20.1 (2) (a) of the Regulation is revoked and the following substituted:

- (a) the approved corporation is informed by the inter-disciplinary team providing the resident’s care or, in the case of a resident who is absent from the home, by the resident’s physician, that the home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, and other arrangements are made to provide the accommodation, care and secure environment required by the resident;

3. Section 20.2 of the Regulation is revoked and the following substituted:

20.2 (1) An approved corporation maintaining and operating an approved charitable home for the aged shall require the inter-disciplinary team providing a resident’s care to inform the approved corporation if the team is of the opinion that the home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident.

(2) If an approved corporation maintaining and operating an approved charitable home for the aged is informed by the inter-disciplinary team providing a resident’s care that, in the opinion of the team, the home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, the approved corporation shall ensure that arrangements are made for the resident to be admitted to a

hospital or other facility better suited to provide the accommodation, care and secure environment required by the resident.

4. The Regulation is amended by adding the following section:

INFORMATION

59.1 When a person who wishes to seek admission to an approved charitable home for the aged contacts a placement co-ordinator, the placement co-ordinator shall provide the person with information about retirement homes and other alternative services that the person may wish to consider.

5. Subsections 61 (4) and (5) of the Regulation are revoked.

6. (1) Clauses 65 (1) (c) and (d) of the Regulation are revoked and the following substituted:

- (c) an up-to-date health assessment of the person, in the form provided by the Minister, signed by,
 - (i) a member of the College of Physicians and Surgeons of Ontario, or
 - (ii) a registered nurse who holds a general certificate of registration or an extended certificate of registration in accordance with the regulations made under the *Nursing Act, 1991*;
- (d) an up-to-date functional assessment of the person conducted by a health or social service provider approved by the placement co-ordinator; and

(2) Subsections 65 (2) and (3) of the Regulation are revoked and the following substituted:

(2) Despite subsection (1), the following persons are not required to establish that they are at least 18 years old and are not required to comply with clauses (1) (b), (c) and (d):

- 1. A long-stay resident applying for a determination of eligibility for the purpose of transferring to another approved charitable home for the aged as a long-stay resident.
- 2. A long-stay resident under the *Homes for the Aged and Rest Homes Act* or the *Nursing Homes Act* applying for a determination of eligibility for the purpose of transferring to an approved charitable home for the aged as a long-stay resident.

(3) Despite subsection (1), a person described in a paragraph of subsection (2) who is applying for a determination of eligibility for the purpose of transferring to a related temporary approved charitable home for the aged, a re-opened approved charitable home for the aged or a replacement approved charitable home for the aged as a long-stay resident is not required to provide his or her request for a determination respecting his or her eligibility in the form provided by the Minister, if he or she is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the closure of his or her bed in the home.

(3) Subsection 65 (4) of the Regulation is amended by striking out “category 1” and substituting “category 1A”.

7. (1) Clause 67 (1) (c) of the Regulation is amended by striking out “79” at the end and substituting “79.4”.

(2) Section 67 of the Regulation is amended by adding the following subsection:

(1.1) Despite clause (1) (a), a request for authorization of admission need not be in writing if it is a request for authorization of admission as a long-stay resident with respect to a related temporary approved charitable home for the aged, a re-opened approved charitable home for the aged or a replacement approved charitable home for the aged made by a person who is a long-stay resident of the

original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the closure of his or her bed in the home.

8. Subsection 68 (1) of the Regulation is amended by adding “Subject to sections 68.1 and 69.1” at the beginning.

9. The Regulation is amended by adding the following section:

68.1 (1) A placement co-ordinator shall not provide the information and request referred to in subsection 68 (1) to an approved corporation maintaining and operating an approved charitable home for the aged selected by an applicant if, at that point in time, the total number of approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant's admission, is three or more.

(2) If, at a later point in time, the total number of approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant's admission, is less than three, the placement co-ordinator may then provide the information and request referred to in subsection 68 (1) to an approved corporation maintaining and operating another approved charitable home for the aged selected by the applicant so long as, at any point in time, the total number of approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant's admission, does not exceed three.

(3) This section does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list for the approved charitable home for the aged if the approved corporation approves his or her admission to the home.

10. Subsection 69 (1) of the Regulation is amended by adding “Subject to section 69.1” at the beginning.

11. The Regulation is amended by adding the following section:

69.1 (1) Sections 68 and 69 do not apply to a related temporary approved charitable home for the aged, a re-opened approved charitable home for the aged or a replacement approved charitable home for the aged.

(2) The approved corporation maintaining and operating a related temporary approved charitable home for the aged, a re-opened approved charitable home for the aged or a replacement approved charitable home for the aged shall be deemed to approve the admission to the home as a long-stay resident of any person who is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the closure of his or her bed in the home.

12. (1) Subsection 70 (2) of the Regulation is amended by striking out “83” and substituting “81”.

(2) Section 70 of the Regulation is amended by adding the following subsection:

(3) Each placement co-ordinator shall also keep a refusal list for the purposes of section 72.

13. Sections 71 to 83 of the Regulation are revoked and the following substituted:

71. (1) The placement co-ordinator designated for an approved charitable home for the aged under subsection 9.6 (3) of the Act shall place a person on the waiting list for the home if, and only if,

- (a) the person is determined by a placement co-ordinator to be eligible for admission to an approved charitable home for the aged;
- (b) the person applies in accordance with this Regulation for authorization of his or her admission to the home;
- (c) the approved corporation maintaining and operating the home approves the person's admission to the home; and
- (d) placing the person on the waiting list for the home will not result in the total number of waiting lists for approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three.

(2) Clause (1) (d) does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list.

72. (1) A person shall be removed from the waiting list for each approved charitable home for the aged to which the person is awaiting admission as a long-stay resident and shall be placed on the refusal list if,

- (a) the person,
 - (i) is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*, or
 - (ii) is not described in subclause (i) and does not occupy a bed in,
 - (A) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (B) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and that is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
 - (C) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and
- (b) a placement co-ordinator offers to authorize the person's admission to an approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act* as a long-stay resident, and the person,
 - (i) refuses to consent to admission,
 - (ii) refuses to enter into the written agreement mentioned in clause 86 (1) (e) of this Regulation, clause 155 (1) (e) of Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act* or clause 12.21 (1) (e) of Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*, as applicable, or
 - (iii) fails to move into the facility on or before the fifth day following the day on which he or she is informed of the availability of accommodation.

(2) Subsection (1) does not apply if the reason the person acts in the manner described in subclause (1) (b) (i), (ii) or (iii) is that the person has a short-term illness or injury which,

- (a) prevents the person from moving into the facility at that time; or

- (b) would make moving into the facility at that time detrimental to the person's health.

(3) If a person described in subclause (1) (a) (i) is removed from the waiting list for an approved charitable home for the aged under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,

- (a) the person provides to the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident; and
- (b) placing the person on the waiting list for the home will not result in the total number of waiting lists for approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three.

(4) If a person described in subclause (1) (a) (ii) is removed from the waiting list for an approved charitable home for the aged under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,

- (a) the person provides to the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident and,
 - (i) the request is provided 24 weeks or more after the day the person was removed from the waiting list, or
 - (ii) the request is provided less than 24 weeks after the day the person was removed from the waiting list but there has been a deterioration in the person's condition or circumstances; and
- (b) placing the person on the waiting list for the home will not result in the total number of waiting lists for approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three.

(5) Clause (4) (b) does not apply to a person who will be placed in category 1A on the waiting list for the home.

72.1 (1) A person may be removed from the waiting list for an approved charitable home for the aged to which the person is awaiting admission as a short-stay resident if the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act offers to authorize the person's admission to the home and the person,

- (a) refuses to consent to admission; or
- (b) fails to move into the home on the day agreed to by the person.

(2) A person who is removed from the waiting list for an approved charitable home for the aged under subsection (1) shall be placed on the waiting list for the home again to await admission as a short-stay resident if the person provides to the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act a new written request for authorization of his or her admission to the home as a short-stay resident.

PLACEMENT INTO CATEGORIES ON WAITING LIST

73. Sections 74 to 79.4 apply only to persons who meet the requirements of section 71 or subsection 72 (3) or (4) or 72.1 (2) for placement on a waiting list.

74. (1) A person shall be placed in category 1A on the waiting list for an approved charitable home for the aged if the person requires immediate admission as a result of a crisis arising from the person's condition or circumstances.

(2) A person shall be placed in category 1A on the waiting list for an approved charitable home for the aged if,

- (a) the person occupies a bed in,
 - (i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide inpatient services in paragraph 1 of subsection 4(1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
 - (iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and
- (b) there will be no bed for the person in the hospital or facility within six weeks as a result of,
 - (i) a permanent closure of all or some of the beds in the hospital or facility, or
 - (ii) a temporary closure of all or some of the beds in the hospital or facility due to an emergency or redevelopment.

(3) A person shall be placed in category 1A on the waiting list for an approved charitable home for the aged if,

- (a) the person is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*; and
- (b) there will be no bed for the person in the facility within six weeks as a result of a permanent or temporary closure of all or some of the beds in the facility.

75. A person shall be placed in category 1B on the waiting list for an approved charitable home for the aged if,

- (a) the person does not meet the requirements for placement in category 1A;
- (b) the home is primarily engaged in serving the interests of persons of a particular religion, ethnic origin or linguistic origin; and
- (c) the person is of the religion, ethnic origin or linguistic origin primarily served by the home.

76. (1) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,

- (a) the person does not meet the requirements for placement in category 1A or 1B; and
- (b) the person occupies a bed in,
 - (i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide inpatient services in paragraph 1 of subsection 4(1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
 - (iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*.

(2) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,

- (a) the person does not meet the requirements for placement in category 1A or 1B;
- (b) the person is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*; and
- (c) there will be no bed for the person in the facility within 16 weeks as a result of a permanent or temporary closure of all or some of the beds in the facility.

(3) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,

- (a) the person does not meet the requirements for placement in category 1A or 1B;
- (b) the person was or is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*; and
- (c) the person was or will be discharged from the facility,
 - (i) because the facility cannot provide a sufficiently secure environment to ensure the safety of that person or the safety of persons who come into contact with that person, or
 - (ii) because of an absence for the purpose of receiving medical or psychiatric care or undergoing medical or psychiatric assessment.

(4) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,

- (a) the person does not meet the requirements for placement in category 1A or 1B; and
- (b) the person requires admission within three months because,
 - (i) should there be any change in the person's condition or circumstances, the person would require immediate admission as a result of a crisis arising from the person's condition or circumstances, or
 - (ii) attending to the person's care needs is jeopardizing the health and well-being of the person's caregiver.

(5) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,

- (a) the person does not meet the requirements for placement in category 1A or 1B; and
- (b) the person's spouse or partner is a long-stay resident of the approved charitable home for the aged or neither the person nor his or her spouse or partner is a long-stay resident of the approved charitable home for the aged but both wish to reside in the approved charitable home for the aged.

(6) If a person applies for authorization of his or her admission to an approved charitable home for the aged, a home under the *Homes for the Aged and Rest Homes Act* or a nursing home under the *Nursing Homes Act* as a long-stay resident and a placement co-ordinator, with the consent of the person, authorizes the person's admission to a facility that is not the person's first choice, the person shall, if he or she wishes, be kept on the waiting lists for the person's preferred approved charitable homes for the aged and shall be placed in category 2.

77. Despite sections 74 to 76, a person shall be placed in the veteran category on the waiting list for an approved charitable home for the aged if,

- (a) the home contains veterans' priority access beds;
- (b) the person has applied for authorization of his or her admission to a veteran's priority access bed; and
- (c) the person is a veteran.

78. Despite sections 74 to 76, a person shall be placed in the exchange category on the waiting list for an approved charitable home for the aged if,

- (a) the person,
 - (i) occupies a bed in a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (ii) occupies a bed in a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act,
 - (iii) occupies a bed in a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*, or
 - (iv) is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*;
- (b) the person is the subject of an agreement between the approved charitable home for the aged to which the person seeks admission, at least one hospital or facility mentioned in subclause (a) (i), (ii) or (iii) and possibly one or more other hospitals, facilities or homes, to exchange identified residents or patients, in order to meet the specialized requirements of any of the exchanged residents or patients; and
- (c) the result of the exchange will be that the person will become a resident of the approved charitable home for the aged to which the person seeks admission and a resident of the approved charitable home for the aged will be discharged.

79. Despite sections 74 to 76 and section 78 but subject to section 77, a person shall be placed in the related temporary approved charitable home for the aged category on the waiting list for an approved charitable home for the aged if,

- (a) the approved charitable home for the aged is or will be a related temporary approved charitable home for the aged; and
- (b) the person is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the closure of his or her bed in the home.

79.1 Despite sections 74 to 76 and section 78 but subject to section 77, a person shall be placed in the re-opened approved charitable home for the aged category on the waiting list for an approved charitable home for the aged if,

- (a) the approved charitable home for the aged is or will be a re-opened approved charitable home for the aged; and
- (b) the person is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the temporary closure of his or her bed in the home.

79.2 Despite sections 74 to 76 and section 78 but subject to section 77, a person shall be placed in the replacement approved charitable home for the aged category on the waiting list for an approved charitable home for the aged if,

- (a) the approved charitable home for the aged is or will be a replacement approved charitable home for the aged; and
- (b) the person is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the permanent closure of his or her bed in the home.

79.3 A person shall be placed in category 3 on the waiting list for an approved charitable home for the aged if the person does not meet the requirements for placement in any other category.

79.4 (1) Sections 74 to 79.3 do not apply to a person applying for authorization of admission to an approved charitable home for the aged as a short-stay resident in the respite care or supportive care program.

(2) A person referred to in subsection (1) shall be placed in the short-stay category on the waiting list for the approved charitable home for the aged.

RANKING OF CATEGORIES

80. For each class of beds set out in a column of Table 5, the categories on the waiting list shall be ranked in the order set out in the rows below that class of beds, such that a category mentioned in a higher row ranks ahead of a category mentioned in a lower row.

RANKING WITHIN CATEGORIES

81. (1) Within a waiting list category set out in Column 1 of Table 6, persons shall be ranked for admission in accordance with the rules set out opposite the category in Column 2 of Table 6.

(2) If, within six weeks after making his or her first application for authorization of admission to one or more approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* or homes under the *Homes for the Aged and Rest Homes Act* as a long-stay resident, and before being admitted to one of such facilities, a person makes one or more additional applications for authorization of his or her admission to one or more approved charitable homes for the aged as a long-stay resident, the additional applications made within the six-week period shall, for the purpose of Table 6, be deemed to have been made at the time that the first application was made.

(3) If a person who was determined by a placement co-ordinator to be ineligible for admission to an approved charitable home for the aged as a long-stay resident is determined to be eligible for admission as a long-stay resident as a result of an application to the Appeal Board under subsection 9.10 (2) of the Act or an appeal to the Divisional Court under subsection 9.13 (1) of the Act, and if the person then makes an application for authorization of his or her admission to one or more approved charitable homes for the aged, homes under the *Homes for the Aged and Rest Homes Act* or nursing homes under the *Nursing Homes Act* as a long-stay resident,

- (a) that application for authorization shall, for the purposes of Table 6, be deemed to have been made at the time that the placement co-ordinator determined that the person was ineligible for admission; and
- (b) all additional applications for authorization of admission to one or more approved charitable homes for the aged as a long-stay resident, made by the person within six weeks after making the first application and before being admitted to one of such facilities shall, for the purpose of Table 6, be deemed to have been made at the time that the first application is deemed under clause (a) to have been made.

(4) Despite subsection (2), if a person provides to the placement co-ordinator designated for an approved charitable home for the aged under subsection 9.6 (3) of the Act a new request for authorization of admission to the home under subsection 72 (3) or (4) or 72.1 (2), the person shall, for the purpose of Table 6, be deemed to have applied for authorization of admission to the home at the time of the provision of the new request.

14. (1) Subsection 84 (1) of the Regulation is amended by striking out “an approved charitable home” and substituting “an approved charitable home for the aged”.

(2) Subsection 84 (2) of the Regulation is revoked.

(3) Subsection 84 (4) of the Regulation is amended by inserting “for the aged” after “an approved charitable home” in the portion before clause (a).

(4) Clause 84 (4) (a) of the Regulation is amended by striking out “or subsection 72 (3)” at the end.

(5) Clause 84 (4) (d) of the Regulation is amended by striking out “an approved charitable home” at the end and substituting “the approved charitable home for the aged”.

(6) Subsection 84 (5) of the Regulation is revoked and the following substituted:

(5) Persons on a waiting list for interim beds for an approved charitable home for the aged shall be ranked for admission according to the time at which they applied for authorization of their admission to an interim bed in that home.

(6) Subsections 81 (2) and (3) apply with necessary modifications to the ranking of persons on a waiting list for interim beds for an approved charitable home for the aged.

15. (1) Section 85 of the Regulation is amended by striking out “79” and substituting “79.4”.

(2) Section 85 of the Regulation is amended by adding the following subsection:

(2) If a person who is on the waiting list for an approved charitable home for the aged should be placed in a different category on the waiting list as a result of amendments made to this Regulation by Ontario Regulation 119/02, the placement co-ordinator keeping the waiting list shall place the person in the different category.

16. (1) Subsection 86 (1) of the Regulation is amended by striking out “Subject to section 88” at the beginning and substituting “Subject to section 87”.

(2) Clauses 86 (1) (c), (d), (e) and (f) of the Regulation are revoked and the following substituted:

(c) the home has available the class of accommodation for which the person is recorded to be waiting;

(d) there is no one on the waiting list for the home who is recorded to be waiting for the class of accommodation that is available, who ranks ahead of the person, and whose admission may be authorized under this section; and

(e) in the case of a person who is applying for authorization of his or her admission to the home as a long-stay resident, the person agrees in writing with the approved corporation maintaining and operating the home that,

(i) the person will move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home,

(ii) if the person moves into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,

(A) for each day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, the amount that the approved corporation would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and

(B) if the person moves into the home on or after the third day following the day on which he or she is informed of the availability of accommodation in the home, the daily bed-holding amount as determined under section 47 for each day from and including the second day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, and

(iii) if the person does not move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,

(A) for each of the five days following the day on which the person is informed of the availability of accommodation in the home, the amount that the approved corporation would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and

(B) for each of the second, third, fourth and fifth days following the day on which the person is informed of the availability of accommodation in the home, the daily bed-holding amount as determined under section 47.

(3) Subsection 86 (2) of the Regulation is revoked and the following substituted:

(2) For the purposes of clauses (1) (c) and (d), the following are the classes of accommodation for which a person may be recorded to be waiting:

1. Accommodation for a woman in a respite care or supportive care program.
2. Accommodation for a man in a respite care or supportive care program.
3. Basic accommodation for a woman other than in a respite care or supportive care program.
4. Basic accommodation for a man other than in a respite care or supportive care program.
5. Semi-private accommodation for a woman other than in a respite care or supportive care program.
6. Semi-private accommodation for a man other than in a respite care or supportive care program.
7. Private accommodation for a woman other than in a respite care or supportive care program.
8. Private accommodation for a man other than in a respite care or supportive care program.

(4) Subsection 86 (2.2) of the Regulation is revoked.

(5) Subsection 86 (3) of the Regulation is amended by striking out “third” and substituting “fifth”.

(6) Section 86 of the Regulation is amended by adding the following subsection:

(5) An approved corporation maintaining and operating an approved charitable home for the aged shall inform the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act of available accommodation in the home within 24 hours after the accommodation becomes available.

17. Clause 87 (b) of the Regulation is amended by striking out “category 1” and substituting “category 1A”.

18. Subsection 89 (1) of the Regulation is revoked and the following substituted:

(1) An approved corporation maintaining and operating an approved charitable home for the aged shall keep a transfer list consisting of,

- (a) the names of the residents of the home who are requesting a transfer from preferred accommodation in the home to basic accommodation in the home; and
- (b) the names of the residents of the home who are requesting a transfer from private accommodation in the home to semi-private accommodation in the home.

19. The Regulation is amended by adding the following section:

CLOSING OF AN APPROVED CHARITABLE HOME FOR THE AGED

90. (1) If an approved corporation maintaining and operating an approved charitable home for the aged intends to close all or some of the beds in the home permanently or temporarily, the approved corporation shall, no later than 16 weeks before the date of the closure, give written notice of that intention to,

- (a) the Director;
- (b) the administrator of the home;
- (c) the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act; and
- (d) each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care.

(2) Forthwith after receiving a notice under subsection (1), the placement co-ordinator shall contact each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care, in order to begin the process of authorizing the resident's admission to another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*.

20. The heading to Table 2 of the Regulation is revoked and the following substituted:

TABLE 2
SUBSIDY CALCULATION WORKSHEET

21. The heading to Table 4 of the Regulation is revoked and the following substituted:

TABLE 4
RESIDENT PAYMENTS

22. The Regulation is amended by adding the following Tables:

TABLE 5
RANKING OF WAITING LIST CATEGORIES

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Class of Beds	Beds in a related temporary approved charitable home for the aged, other than veterans' priority access beds	Beds in a re-opened approved charitable home for the aged, other than veterans' priority access beds	Beds in a replacement approved charitable home for the aged, other than veterans' priority access beds	Veterans' priority access beds in an approved charitable home for the aged, other than a related temporary, re-opened or replacement approved charitable home for the aged	Veterans' priority access beds in a related temporary, re-opened or replacement approved charitable home for the aged	All other beds in an approved charitable home for the aged
Waiting List Categories	Related temporary	Re-opened	Replacement	Veteran	Veteran	Exchange
	Exchange	Exchange	Exchange	Exchange	Related temporary, re-opened or replacement, as applicable	1A
	1A	1A	1A	1A	Exchange	1B
	1B	1B	1B	1B	1A	2
	2	2	2	2	1B	3
	3	3	3	3	2	
					3	

TABLE 6
RULES FOR RANKING WITHIN CATEGORIES

ITEM	COLUMN 1	COLUMN 2
	Category	Rules
1.	Related temporary, re-opened and replacement approved charitable home for the aged	Persons shall be ranked according to the date of their admission to the original approved charitable home for the aged.
2.	Veteran	(a) Veterans who require immediate admission as a result of a crisis arising from their condition or circumstances shall rank ahead of all other veterans. (b) As among themselves, veterans who require immediate admission as a result of a crisis arising from their condition or circumstances shall be ranked according to the urgency of their need for admission. (c) Veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances but are continuum of care applicants on the waiting list for the continuum of care approved charitable home for the aged shall rank ahead of all other veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances. (d) As among themselves, veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances but are continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged. (e) As among themselves, veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances and are not continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged.
3.	1A	Persons shall be ranked according to the urgency of their need for admission.
4.	All categories, other than those in items 1, 2, 3 and 5	(a) Persons who are continuum of care applicants on the waiting list for the continuum of care approved charitable home for the aged shall rank ahead of all other persons in the same category. (b) As among themselves, persons in the same category who are continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged. (c) As among themselves, persons in the same category who are not continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged.
5.	Short-stay	Persons shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged.

23. This Regulation comes into force on May 1, 2002.

15/02

ONTARIO REGULATION 120/02

made under the

HOMES FOR THE AGED AND REST HOMES ACT

Made: March 20, 2002

Filed: March 28, 2002

Amending Reg. 637 of R.R.O. 1990
(General)

Note: Regulation 637 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. (1) Subsection 1 (1) of Regulation 637 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:

“continuum of care applicant”, in relation to a continuum of care home, means a person who resides in a project set out opposite the home in Column 2 of the Continuum of Care Facilities Table and has resided there as of a date earlier than July 1, 1994;

“Continuum of Care Facilities Table” means the table published by the Ministry of Health and Long-Term Care that is titled “Continuum of Care Facilities Table” and that is dated October 24, 1996;

“continuum of care home” means a home set out in Column 1 of the Continuum of Care Facilities Table;

“interim bed” means a bed that exists in a home for a temporary period of time under the terms of a service agreement for interim beds;

(2) The definitions of “private room” and “registered nurse” in subsection 1 (1) of the Regulation are revoked and the following substituted:

“private room” means a room with one bed, other than,

- (a) a room with one bed that is part of a semi-private room described in clause (b) of the definition of “semi-private room”, or
- (b) a room that is designated as a standard room by the municipality, municipalities or board maintaining and operating a home;

“registered nurse” means a member of the College of Nurses of Ontario who holds a certificate of registration as a registered nurse under the *Nursing Act, 1991*;

(3) Subsection 1 (1) of the Regulation is amended by adding the following definitions:

“related temporary approved charitable home for the aged” has the same meaning as in Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act*;

“related temporary home” means, where all or some of the beds in a home are to be temporarily or permanently closed, another home, if any, that is operated by the same municipality, municipalities or board and is to provide beds to residents of the original home on a temporary basis until beds in the re-opened home or replacement home are available for those residents;

“related temporary nursing home” has the same meaning as in Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*;

“re-opened approved charitable home for the aged” has the same meaning as in Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act*;

“re-opened home” means, where all or some of the beds in a home are to be temporarily closed, the same home once those beds are re-opened;

“re-opened nursing home” has the same meaning as in Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*;

“replacement approved charitable home for the aged” has the same meaning as in Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act*;

“replacement home” means, where all or some of the beds in a home are to be permanently closed, the new home, if any, to be operated by the same municipality, municipalities or board and to serve as a replacement for the beds being closed in the original home;

“replacement nursing home” has the same meaning as in Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*;

(4) The definition of “semi-private room” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“semi-private room” means,

- (a) a room with two beds, other than a room that is designated as a standard room by the municipality, municipalities or board maintaining and operating a home, or
- (b) a room with one bed that is joined to another room with one bed by a washroom shared by both rooms, other than a room that is designated as a standard room by the municipality, municipalities or board maintaining and operating a home;

(5) Subsection 1 (1) of the Regulation is amended by adding the following definition:

“veterans’ priority access bed”, in relation to a home, means a bed that has been designated as a veteran’s priority access bed as required under the terms of the home’s service agreement.

2. The Regulation is amended by adding the following section:

INFORMATION

6.1 When a person who wishes to seek admission to a home contacts a placement co-ordinator, the placement co-ordinator shall provide the person with information about retirement homes and other alternative services that the person may wish to consider.

3. Subsections 8 (4) and (5) of the Regulation are revoked.

4. (1) Clauses 12 (1) (c) and (d) of the Regulation are revoked and the following substituted:

- (c) an up-to-date health assessment of the person, in the form provided by the Minister, signed by,
 - (i) a member of the College of Physicians and Surgeons of Ontario, or
 - (ii) a registered nurse who holds a general certificate of registration or an extended certificate of registration in accordance with the regulations made under the *Nursing Act, 1991*;
- (d) an up-to-date functional assessment of the person conducted by a health or social service provider approved by the placement co-ordinator; and

(2) Subsections 12 (2) and (3) of the Regulation are revoked and the following substituted:

(2) Despite subsection (1), the following persons are not required to establish that they are at least 18 years old and are not required to comply with clauses (1) (b), (c) and (d):

- 1. A long-stay resident applying for a determination of eligibility for the purpose of transferring to another home as a long-stay resident.
- 2. A long-stay resident under the *Charitable Institutions Act* or the *Nursing Homes Act* applying for a determination of eligibility for the purpose of transferring to a home as a long-stay resident.

(3) Despite subsection (1), a person described in a paragraph of subsection (2) who is applying for a determination of eligibility for the purpose of transferring to a related temporary home, a re-opened home or a replacement home as a long-stay resident is not required to provide his or her request for a determination respecting his or her eligibility in the form provided by the Minister, if he or she is a long-stay resident of the original home or was a long-stay resident

of the original home immediately before the closure of his or her bed in the home.

(3) Subsection 12 (4) of the Regulation is amended by striking out “category 1” and substituting “category 1A”.

5. (1) Clause 12.2 (1) (c) of the Regulation is amended by striking out “12.14” at the end and substituting “12.14.4”.

(2) Section 12.2 of the Regulation is amended by adding the following subsection:

(1.1) Despite clause (1) (a), a request for authorization of admission need not be in writing if it is a request for authorization of admission as a long-stay resident with respect to a related temporary home, a re-opened home or a replacement home made by a person who is a long-stay resident of the original home or was a long-stay resident of the original home immediately before the closure of his or her bed in the home.

6. Subsection 12.3 (1) of the Regulation is amended by adding “Subject to sections 12.3.1 and 12.4.1” at the beginning.

7. The Regulation is amended by adding the following section:

12.3.1 (1) A placement co-ordinator shall not provide the information and request referred to in subsection 12.3 (1) to the committee of management or the board, as the case may be, of a home selected by an applicant if, at that point in time, the total number of homes, approved charitable homes for the aged under the *Charitable Institutions Act* and nursing homes under the *Nursing Homes Act*, which have approved or are considering the applicant's admission, is three or more.

(2) If, at a later point in time, the total number of homes, approved charitable homes for the aged under the *Charitable Institutions Act* and nursing homes under the *Nursing Homes Act*, which have approved or are considering the applicant's admission, is less than three, the placement co-ordinator may then provide the information and request referred to in subsection 12.3 (1) to the committee of management or the board, as the case may be, of another home selected by the applicant so long as, at any point in time, the total number of homes, approved charitable homes for the aged under the *Charitable Institutions Act* and nursing homes under the *Nursing Homes Act*, which have approved or are considering the applicant's admission, does not exceed three.

(3) This section does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list for the home if the committee of management or the board, as the case may be, approves his or her admission to the home.

8. Subsection 12.4 (1) of the Regulation is amended by adding “Subject to section 12.4.1” at the beginning.

9. The Regulation is amended by adding the following section:

12.4.1 (1) Sections 12.3 and 12.4 do not apply to a related temporary home, a re-opened home or a replacement home.

(2) The municipality, municipalities or board maintaining and operating a related temporary home, a re-opened home or a replacement home shall be deemed to approve the admission to the home as a long-stay resident of any person who is a long-stay resident of the original home or was a long-stay resident of the original home immediately before the closure of his or her bed in the home.

10. (1) Subsection 12.5 (2) of the Regulation is amended by striking out “12.18” and substituting “12.16”.

(2) Section 12.5 of the Regulation is amended by adding the following subsection:

(3) Each placement co-ordinator shall also keep a refusal list for the purposes of section 12.7.

11. Sections 12.6 to 12.18 of the Regulation are revoked and the following substituted:

12.6 (1) The placement co-ordinator designated for a home under subsection 18 (3) of the Act shall place a person on the waiting list for the home if, and only if,

- (a) the person is determined by a placement co-ordinator to be eligible for admission to a home;
- (b) the person applies in accordance with this Regulation for authorization of his or her admission to the home;
- (c) the committee of management or the board, as the case may be, of the home approves the person's admission to the home; and
- (d) placing the person on the waiting list for the home will not result in the total number of waiting lists for homes, approved charitable homes for the aged under the *Charitable Institutions Act* and nursing homes under the *Nursing Homes Act* on which the person is placed exceeding three.

(2) Clause (1) (d) does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list.

12.7 (1) A person shall be removed from the waiting list for each home to which the person is awaiting admission as a long-stay resident and shall be placed on the refusal list if,

- (a) the person,
 - (i) is a long-stay resident of another home, an approved charitable home for the aged under the *Charitable Institutions Act* or a nursing home under the *Nursing Homes Act*, or
 - (ii) is not described in subclause (i) and does not occupy a bed in,
 - (A) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (B) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and that is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
 - (C) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and
- (b) a placement co-ordinator offers to authorize the person's admission to a home, an approved charitable home for the aged under the *Charitable Institutions Act* or a nursing home under the *Nursing Homes Act* as a long-stay resident, and the person,
 - (i) refuses to consent to admission,
 - (ii) refuses to enter into the written agreement mentioned in clause 12.21 (1) (e) of this Regulation, clause 86 (1) (e) of Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act* or clause 155 (1) (e) of Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*, as applicable, or

- (iii) fails to move into the facility on or before the fifth day following the day on which he or she is informed of the availability of accommodation.

(2) Subsection (1) does not apply if the reason the person acts in the manner described in subclause (1) (b) (i), (ii) or (iii) is that the person has a short-term illness or injury which,

- (a) prevents the person from moving into the facility at that time; or
- (b) would make moving into the facility at that time detrimental to the person's health.

(3) If a person described in subclause (1) (a) (i) is removed from the waiting list for a home under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,

- (a) the person provides to the placement co-ordinator designated for the home under subsection 18 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident; and
- (b) placing the person on the waiting list for the home will not result in the total number of waiting lists for homes, approved charitable homes for the aged under the *Charitable Institutions Act* and nursing homes under the *Nursing Homes Act* on which the person is placed exceeding three.

(4) If a person described in subclause (1) (a) (ii) is removed from the waiting list for a home under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,

- (a) the person provides to the placement co-ordinator designated for the home under subsection 18 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident and,
 - (i) the request is provided 24 weeks or more after the day the person was removed from the waiting list, or
 - (ii) the request is provided less than 24 weeks after the day the person was removed from the waiting list but there has been a deterioration in the person's condition or circumstances; and
- (b) placing the person on the waiting list for the home will not result in the total number of waiting lists for homes, approved charitable homes for the aged under the *Charitable Institutions Act* and nursing homes under the *Nursing Homes Act* on which the person is placed exceeding three.

(5) Clause (4) (b) does not apply to a person who will be placed in category 1A on the waiting list for the home.

12.7.1 (1) A person may be removed from the waiting list for a home to which the person is awaiting admission as a short-stay resident if the placement co-ordinator designated for the home under subsection 18 (3) of the Act offers to authorize the person's admission to the home and the person,

- (a) refuses to consent to admission; or
- (b) fails to move into the home on the day agreed to by the person.

(2) A person who is removed from the waiting list for a home under subsection (1) shall be placed on the waiting list for the home again to await admission as a short-stay resident if the person provides to the placement co-ordinator designated for the home under subsection 18 (3) of the Act a new written request for authorization of his or her admission to the home as a short-stay resident.

PLACEMENT INTO CATEGORIES ON WAITING LIST

12.8 Sections 12.9 to 12.14.4 apply only to persons who meet the requirements of section 12.6 or subsection 12.7 (3) or (4) or 12.7.1 (2) for placement on a waiting list.

12.9 (1) A person shall be placed in category 1A on the waiting list for a home if the person requires immediate admission as a result of a crisis arising from the person's condition or circumstances.

(2) A person shall be placed in category 1A on the waiting list for a home if,

- (a) the person occupies a bed in,
 - (i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
- (iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and
- (b) there will be no bed for the person in the hospital or facility within six weeks as a result of,
 - (i) a permanent closure of all or some of the beds in the hospital or facility, or
 - (ii) a temporary closure of all or some of the beds in the hospital or facility due to an emergency or redevelopment.

(3) A person shall be placed in category 1A on the waiting list for a home if,

- (a) the person is a long-stay resident of another home, an approved charitable home for the aged under the *Charitable Institutions Act* or a nursing home under the *Nursing Homes Act*; and
- (b) there will be no bed for the person in the facility within six weeks as a result of a permanent or temporary closure of all or some of the beds in the facility.

12.10 A person shall be placed in category 1B on the waiting list for a home if,

- (a) the person does not meet the requirements for placement in category 1A;
- (b) the home is primarily engaged in serving the interests of persons of a particular religion, ethnic origin or linguistic origin; and
- (c) the person is of the religion, ethnic origin or linguistic origin primarily served by the home.

12.11 (1) A person shall be placed in category 2 on the waiting list for a home if,

- (a) the person does not meet the requirements for placement in category 1A or 1B; and
- (b) the person occupies a bed in,
 - (i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,

- (ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
 - (iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*.
- (2) A person shall be placed in category 2 on the waiting list for a home if,
- (a) the person does not meet the requirements for placement in category 1A or 1B;
 - (b) the person is a long-stay resident of another home, an approved charitable home for the aged under the *Charitable Institutions Act* or a nursing home under the *Nursing Homes Act*; and
 - (c) there will be no bed for the person in the facility within 16 weeks as a result of a permanent or temporary closure of all or some of the beds in the facility.
- (3) A person shall be placed in category 2 on the waiting list for a home if,
- (a) the person does not meet the requirements for placement in category 1A or 1B;
 - (b) the person was or is a long-stay resident of another home, an approved charitable home for the aged under the *Charitable Institutions Act* or a nursing home under the *Nursing Homes Act*; and
 - (c) the person was or will be discharged from the facility,
 - (i) because the facility cannot provide a sufficiently secure environment to ensure the safety of that person or the safety of persons who come into contact with that person, or
 - (ii) because of an absence for the purpose of receiving medical or psychiatric care or undergoing medical or psychiatric assessment.
- (4) A person shall be placed in category 2 on the waiting list for a home if,
- (a) the person does not meet the requirements for placement in category 1A or 1B; and
 - (b) the person requires admission within three months because,
 - (i) should there be any change in the person's condition or circumstances, the person would require immediate admission as a result of a crisis arising from the person's condition or circumstances, or
 - (ii) attending to the person's care needs is jeopardizing the health and well-being of the person's caregiver.
- (5) A person shall be placed in category 2 on the waiting list for a home if,
- (a) the person does not meet the requirements for placement in category 1A or 1B; and
 - (b) the person's spouse or partner is a long-stay resident of the home or neither the person nor his or her spouse or partner is a long-stay resident of the home but both wish to reside in the home.
- (6) If a person applies for authorization of his or her admission to a home, a nursing home under the *Nursing Homes Act* or an

approved charitable home for the aged under the *Charitable Institutions Act* as a long-stay resident and a placement co-ordinator, with the consent of the person, authorizes the person's admission to a facility that is not the person's first choice, the person shall, if he or she wishes, be kept on the waiting lists for the person's preferred homes and shall be placed in category 2.

12.12 Despite sections 12.9 to 12.11, a person shall be placed in the veteran category on the waiting list for a home if,

- (a) the home contains veterans' priority access beds;
- (b) the person has applied for authorization of his or her admission to a veteran's priority access bed; and
- (c) the person is a veteran.

12.13 Despite sections 12.9 to 12.11, a person shall be placed in the exchange category on the waiting list for a home if,

- (a) the person,
 - (i) occupies a bed in a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (ii) occupies a bed in a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act,
- (iii) occupies a bed in a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*, or
- (iv) is a long-stay resident of another home, an approved charitable home for the aged under the *Charitable Institutions Act* or a nursing home under the *Nursing Homes Act*;
- (b) the person is the subject of an agreement between the home to which the person seeks admission, at least one hospital or facility mentioned in subclause (a) (i), (ii) or (iii) and possibly one or more other hospitals, facilities or homes, to exchange identified residents or patients, in order to meet the specialized requirements of any of the exchanged residents or patients; and
- (c) the result of the exchange will be that the person will become a resident of the home to which the person seeks admission and a resident of the home will be discharged.

12.14 Despite sections 12.9 to 12.11 and section 12.13 but subject to section 12.12, a person shall be placed in the related temporary home category on the waiting list for a home if,

- (a) the home is or will be a related temporary home; and
- (b) the person is a long-stay resident of the original home or was a long-stay resident of the original home immediately before the closure of his or her bed in the home.

12.14.1 Despite sections 12.9 to 12.11 and section 12.13 but subject to section 12.12, a person shall be placed in the re-opened home category on the waiting list for a home if,

- (a) the home is or will be a re-opened home; and
- (b) the person is a long-stay resident of the original home or was a long-stay resident of the original home immediately before the temporary closure of his or her bed in the home.

12.14.2 Despite sections 12.9 to 12.11 and section 12.13 but subject to section 12.12, a person shall be placed in the replacement home category on the waiting list for a home if,

- (a) the home is or will be a replacement home; and
- (b) the person is a long-stay resident of the original home or was a long-stay resident of the original home immediately before the permanent closure of his or her bed in the home.

12.14.3 A person shall be placed in category 3 on the waiting list for a home if the person does not meet the requirements for placement in any other category.

12.14.4 (1) Sections 12.9 to 12.14.3 do not apply to a person applying for authorization of admission to a home as a short-stay resident in the respite care or supportive care program.

(2) A person referred to in subsection (1) shall be placed in the short-stay category on the waiting list for the home.

RANKING OF CATEGORIES

12.15 For each class of beds set out in a column of Table 4, the categories on the waiting list shall be ranked in the order set out in the rows below that class of beds, such that a category mentioned in a higher row ranks ahead of a category mentioned in a lower row.

RANKING WITHIN CATEGORIES

12.16 (1) Within a waiting list category set out in Column 1 of Table 5, persons shall be ranked for admission in accordance with the rules set out opposite the category in Column 2 of Table 5.

(2) If, within six weeks after making his or her first application for authorization of admission to one or more homes, nursing homes under the *Nursing Homes Act* or approved charitable homes for the aged under the *Charitable Institutions Act* as a long-stay resident, and before being admitted to one of such facilities, a person makes one or more additional applications for authorization of his or her admission to one or more homes as a long-stay resident, the additional applications made within the six-week period shall, for the purpose of Table 5, be deemed to have been made at the time that the first application was made.

(3) If a person who was determined by a placement co-ordinator to be ineligible for admission to a home as a long-stay resident is determined to be eligible for admission as a long-stay resident as a result of an application to the Appeal Board under subsection 19.1 (2) of the Act or an appeal to the Divisional Court under subsection 19.4 (1) of the Act, and if the person then makes an application for authorization of his or her admission to one or more to one or more homes, approved charitable homes for the aged under the *Charitable Institutions Act* or nursing homes under the *Nursing Homes Act* or as a long-stay resident,

- (a) that application for authorization shall, for the purposes of Table 5, be deemed to have been made at the time that the placement co-ordinator determined that the person was ineligible for admission; and
- (b) all additional applications for authorization of admission to one or more homes as a long-stay resident, made by the person within six weeks after making the first application and before being admitted to one of such facilities shall, for the purpose of Table 5, be deemed to have been made at the time that the first application is deemed under clause (a) to have been made.

(4) Despite subsection (2), if a person provides to the placement co-ordinator designated for a home under subsection 18 (3) of the Act a new request for authorization of admission to the home under subsection 12.7 (3) or (4) or 12.7.1 (2), the person shall, for the purpose of Table 5, be deemed to have applied for authorization of

admission to the home at the time of the provision of the new request.

12. (1) Subsection 12.19 (2) of the Regulation is revoked.

(2) Clause 12.19 (4) (a) of the Regulation is amended by striking out “or subsection 12.7 (3)” at the end.

(3) Clause 12.19 (4) (d) of the Regulation is amended by striking out “a home” at the end and substituting “the home”.

(4) Subsection 12.19 (5) of the Regulation is revoked and the following substituted:

(5) Persons on a waiting list for interim beds for a home shall be ranked for admission according to the time at which they applied for authorization of their admission to an interim bed in that home.

(6) Subsections 12.16 (2) and (3) apply with necessary modifications to the ranking of persons on a waiting list for interim beds for a home.

13. (1) Section 12.20 of the Regulation is amended by striking out “12.14” and substituting “12.14.4”.

(2) Section 12.20 of the Regulation is amended by adding the following subsection:

(2) If a person who is on the waiting list for a home should be placed in a different category on the waiting list as a result of amendments made to this Regulation by Ontario Regulation 120/02, the placement co-ordinator keeping the waiting list shall place the person in the different category.

14. (1) Subsection 12.21 (1) of the Regulation is amended by striking out “Subject to section 12.23” at the beginning and substituting “Subject to section 12.22”.

(2) Clauses 12.21 (1) (c), (d), (e) and (f) of the Regulation are revoked and the following substituted:

- (c) the home has available the class of accommodation for which the person is recorded to be waiting;
- (d) there is no one on the waiting list for the home who is recorded to be waiting for the class of accommodation that is available, who ranks ahead of the person, and whose admission may be authorized under this section; and
- (e) in the case of a person who is applying for authorization of his or her admission to the home as a long-stay resident, the person agrees in writing with the municipality, municipalities or board maintaining and operating the home that,
 - (i) the person will move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home,
 - (ii) if the person moves into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,
 - (A) for each day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, the amount that the municipality, municipalities or board, as the case may be, would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and
 - (B) if the person moves into the home on or after the third day following the day on which he or she is informed of the availability of accommodation in

the home, the daily bed-holding amount as determined under section 45 for each day from and including the second day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, and

- (iii) if the person does not move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,

- (A) for each of the five days following the day on which the person is informed of the availability of accommodation in the home, the amount that the municipality, municipalities or board, as the case may be, would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and

- (B) for each of the second, third, fourth and fifth days following the day on which the person is informed of the availability of accommodation in the home, the daily bed-holding amount as determined under section 45.

(3) Subsection 12.21 (2) of the Regulation is revoked and the following substituted:

(2) For the purposes of clauses (1) (c) and (d), the following are the classes of accommodation for which a person may be recorded to be waiting:

1. Accommodation for a woman in a respite care or supportive care program.
2. Accommodation for a man in a respite care or supportive care program.
3. Basic accommodation for a woman other than in a respite care or supportive care program.
4. Basic accommodation for a man other than in a respite care or supportive care program.
5. Semi-private accommodation for a woman other than in a respite care or supportive care program.
6. Semi-private accommodation for a man other than in a respite care or supportive care program.
7. Private accommodation for a woman other than in a respite care or supportive care program.
8. Private accommodation for a man other than in a respite care or supportive care program.

(4) Subsection 12.21 (2.2) of the Regulation is revoked.

(5) Subsection 12.21 (3) of the Regulation is amended by striking out “third” and substituting “fifth”.

(6) Section 12.21 of the Regulation is amended by adding the following subsection:

(5) The municipality, municipalities or board maintaining and operating a home shall inform the placement co-ordinator designated for the home under subsection 18 (3) of the Act of available accommodation in the home within 24 hours after the accommodation becomes available.

15. Clause 12.22 (b) of the Regulation is amended by striking out “category 1” and substituting “category 1A”.

16. Subsection 12.24 (1) of the Regulation is revoked and the following substituted:

(1) The committee of management or the board, as the case may be, of a home shall keep a transfer list consisting of,

- (a) the names of the residents of the home who are requesting a transfer from preferred accommodation in the home to basic accommodation in the home; and
- (b) the names of the residents of the home who are requesting a transfer from private accommodation in the home to semi-private accommodation in the home.

17. Clause 12.25 (2) (a) of the Regulation is revoked and the following substituted:

- (a) the committee of management or the board is informed by the inter-disciplinary team providing the resident’s care or, in the case of a resident who is absent from the home, by the resident’s physician, that the home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, and other arrangements are made to provide the accommodation, care and secure environment required by the resident;

18. Section 12.26 of the Regulation is revoked and the following substituted:

12.26 (1) The committee of management or the board, as the case may be, of a home shall require the inter-disciplinary team providing a resident’s care to inform the committee of management or the board if the team is of the opinion that the home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident.

(2) If the committee of management or the board, as the case may be, of a home is informed by the inter-disciplinary team providing a resident’s care that, in the opinion of the team, the home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, the committee of management or the board shall ensure that arrangements are made for the resident to be admitted to a hospital or other facility better suited to provide the accommodation, care and secure environment required by the resident.

19. The Regulation is amended by adding the following section:

CLOSING OF A HOME

12.27 (1) If the municipality, municipalities or board maintaining and operating a home intends or intend to close all or some of the beds in the home permanently or temporarily, the municipality, municipalities or board, as the case may be, shall, no later than 16 weeks before the date of the closure, give written notice of that intention to,

- (a) the Director;
- (b) the administrator of the home;
- (c) the placement co-ordinator designated for the home under subsection 18 (3) of the Act; and
- (d) each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care.

(2) Forthwith after receiving a notice under subsection (1), the placement co-ordinator shall contact each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care, in order to begin the process of authorizing the resident’s admission to another home, a nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act*.

20. The heading to Table 1 of the Regulation is revoked and the following substituted:

TABLE 1
SUBSIDY CALCULATION WORKSHEET

21. The heading to Table 3 of the Regulation is revoked and the following substituted:

TABLE 3
RESIDENT PAYMENTS

22. The Regulation is amended by adding the following Tables:

TABLE 4
RANKING OF WAITING LIST CATEGORIES

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Class of Beds	Beds in a related temporary home, other than veterans' priority access beds	Beds in a re-opened home, other than veterans' priority access beds	Beds in a replacement home, other than veterans' priority access beds	Veterans' priority access beds in a home, other than a related temporary, re-opened or replacement home	Veterans' priority access beds in a related temporary, re-opened or replacement home	All other beds in a home
Waiting List Categories	Related temporary	Re-opened	Replacement	Veteran	Veteran	Exchange
	Exchange	Exchange	Exchange	Exchange	Related temporary, re-opened or replacement, as applicable	1A
	1A	1A	1A	1A	Exchange	1B
	1B	1B	1B	1B	1A	2
	2	2	2	2	1B	3
	3	3	3	3	2	
					3	

TABLE 5
RULES FOR RANKING WITHIN CATEGORIES

ITEM	COLUMN 1	COLUMN 2
	Category	Rules
1.	Related temporary, re-opened and replacement home	Persons shall be ranked according to the date of their admission to the original home.
2.	Veteran	(a) Veterans who require immediate admission as a result of a crisis arising from their condition or circumstances shall rank ahead of all other veterans. (b) As among themselves, veterans who require immediate admission as a result of a crisis arising from their condition or circumstances shall be ranked according to the urgency of their need for admission. (c) Veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances but are continuum of care applicants on the waiting list for the continuum of care home shall rank ahead of all other veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances. (d) As among themselves, veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances but are continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the home. (e) As among themselves, veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances and are not continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the home.
3.	1A	Persons shall be ranked according to the urgency of their need for admission.

ITEM	COLUMN 1	COLUMN 2
	Category	Rules
4.	All categories, other than those in items 1, 2, 3 and 5	(a) Persons who are continuum of care applicants on the waiting list for the continuum of care home shall rank ahead of all other persons in the same category. (b) As among themselves, persons in the same category who are continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the home. (c) As among themselves, persons in the same category who are not continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the home.
5.	Short-stay	Persons shall be ranked according to the time at which they applied for authorization of their admission to the home.

23. This Regulation comes into force on May 1, 2002.

15/02

ONTARIO REGULATION 121/02

made under the

NURSING HOMES ACT

Made: March 20, 2002

Filed: March 28, 2002

Amending Reg. 832 of R.R.O. 1990
(General)

Note: Regulation 832 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. (1) Subsection 1 (1) of Regulation 832 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:

“continuum of care applicant”, in relation to a continuum of care nursing home, means a person who resides in a project set out opposite the nursing home in Column 2 of the Continuum of Care Facilities Table and has resided there as of a date earlier than July 1, 1994;

“Continuum of Care Facilities Table” means the table published by the Ministry of Health and Long-Term Care that is titled “Continuum of Care Facilities Table” and that is dated October 24, 1996;

“continuum of care nursing home” means a nursing home set out in Column 1 of the Continuum of Care Facilities Table;

“interim bed” means a bed that exists in a nursing home for a temporary period of time under the terms of a service agreement for interim beds;

(2) The definitions of “private room” and “registered nurse” in subsection 1 (1) of the Regulation are revoked and the following substituted:

“private room” means a room with one bed, other than,

- (a) a room with one bed that is part of a semi-private room described in clause (b) of the definition of “semi-private room”, or
- (b) a room that is designated by a licensee as a standard room;

“registered nurse” means a member of the College of Nurses of Ontario who holds a certificate of registration as a registered nurse under the *Nursing Act, 1991*;

(3) The definition of “registered practical nurse” in subsection 1 (1) of the Regulation is amended by striking out “person holding” and substituting “member of the College of Nurses of Ontario who holds”.

(4) Subsection 1 (1) of the Regulation is amended by adding the following definitions:

“related temporary approved charitable home for the aged” has the same meaning as in Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act*;

“related temporary home” has the same meaning as in Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*;

“related temporary nursing home” means, where all or some of the beds in a nursing home are to be temporarily or permanently closed, another nursing home, if any, that is operated by the same licensee and is to provide beds to residents of the original nursing home on a temporary basis until beds in the re-opened nursing home or replacement nursing home are available for those residents;

“re-opened approved charitable home for the aged” has the same meaning as in Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act*;

“re-opened home” has the same meaning as in Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*;

“re-opened nursing home” means, where all or some of the beds in a nursing home are to be temporarily closed, the same nursing home once those beds are re-opened;

“replacement approved charitable home for the aged” has the same meaning as in Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act*;

“replacement home” has the same meaning as in Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*;

“replacement nursing home” means, where all or some of the beds in a nursing home are to be permanently closed, the new nursing home, if any, to be operated by the same licensee and to serve as

a replacement for the beds being closed in the original nursing home;

(5) The definition of “semi-private room” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“semi-private room” means,

- (a) a room with two beds, other than a room that is designated by a licensee as a standard room, or
- (b) a room with one bed that is joined to another room with one bed by a washroom shared by both rooms, other than a room that is designated by a licensee as a standard room;

(6) Subsection 1 (1) of the Regulation is amended by adding the following definition:

“veterans’ priority access bed” means a bed that has been designated as a veteran’s priority access bed under section 20.3 of the Act.

2. Clauses 7 (b) and (c) of the Regulation are revoked and the following substituted:

- (b) to facilitate the admission to the nursing home of residents of any facility which is closing all or some of its beds permanently or temporarily;
- (c) to facilitate the admission to the nursing home of a person who requires immediate admission as a result of a crisis arising from the person’s condition or circumstances;

3. Clause 48 (2) (a) of the Regulation is revoked and the following substituted:

- (a) the licensee is informed by the inter-disciplinary team providing the resident’s care or, in the case of a resident who is absent from the nursing home, by the resident’s physician, that the nursing home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, and other arrangements are made to provide the accommodation, care and secure environment required by the resident;

4. Section 49 of the Regulation is revoked and the following substituted:

49. (1) A licensee of a nursing home shall require the inter-disciplinary team providing a resident’s care to inform the licensee if the team is of the opinion that the nursing home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident.

(2) If a licensee of a nursing home is informed by the inter-disciplinary team providing a resident’s care that, in the opinion of the team, the nursing home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, the licensee shall ensure that arrangements are made for the resident to be admitted to a hospital or other facility better suited to provide the accommodation, care and secure environment required by the resident.

5. Section 86 of the Regulation is revoked and the following substituted:

86. (1) A licensee of a nursing home who intends to close all or some of the beds in the home permanently or temporarily shall, no later than 16 weeks before the date of the closure, give written notice of the licensee’s intention to,

- (a) the Director;
- (b) the administrator of the nursing home;
- (c) the placement co-ordinator designated for the nursing home under subsection 20.1 (3) of the Act; and

- (d) each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care.

(2) Forthwith after receiving a notice under subsection (1), the placement co-ordinator shall contact each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident’s personal care, in order to begin the process of authorizing the resident’s admission to another nursing home, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act*.

6. The Regulation is amended by adding the following section:

INFORMATION

128.1 When a person who wishes to seek admission to a nursing home contacts a placement co-ordinator, the placement co-ordinator shall provide the person with information about retirement homes and other alternative services that the person may wish to consider.

7. Subsections 130 (4) and (5) of the Regulation are revoked.

8. (1) Clauses 134 (1) (c) and (d) of the Regulation are revoked and the following substituted:

- (c) an up-to-date health assessment of the person, in the form provided by the Minister, signed by,
 - (i) a member of the College of Physicians and Surgeons of Ontario, or
 - (ii) a registered nurse who holds a general certificate of registration or an extended certificate of registration in accordance with the regulations made under the *Nursing Act, 1991*;
- (d) an up-to-date functional assessment of the person conducted by a health or social service provider approved by the placement co-ordinator; and

(2) Subsections 134 (2) and (3) of the Regulation are revoked and the following substituted:

(2) Despite subsection (1), the following persons are not required to establish that they are at least 18 years old and are not required to comply with clauses (1) (b), (c) and (d):

- 1. A long-stay resident applying for a determination of eligibility for the purpose of transferring to another nursing home as a long-stay resident.
- 2. A long-stay resident under the *Homes for the Aged and Rest Homes Act* or the *Charitable Institutions Act* applying for a determination of eligibility for the purpose of transferring to a nursing home as a long-stay resident.

(3) Despite subsection (1), a person described in a paragraph of subsection (2) who is applying for a determination of eligibility for the purpose of transferring to a related temporary nursing home, a re-opened nursing home or a replacement nursing home as a long-stay resident is not required to provide his or her request for a determination respecting his or her eligibility in the form provided by the Minister, if he or she is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the closure of his or her bed in the home.

(3) Subsection 134 (4) of the Regulation is amended by striking out “category 1” and substituting “category 1A”.

9. (1) Clause 136 (1) (c) of the Regulation is amended by striking out “148” at the end and substituting “148.4”.

(2) Section 136 of the Regulation is amended by adding the following subsection:

(1.1) Despite clause (1) (a), a request for authorization of admission need not be in writing if it is a request for authorization of admission as a long-stay resident with respect to a related temporary nursing home, a re-opened nursing home or a replacement nursing home made by a person who is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the closure of his or her bed in the home.

10. Subsection 137 (1) of the Regulation is amended by adding "Subject to sections 137.1 and 138.1" at the beginning.

11. The Regulation is amended by adding the following section:

137.1 (1) A placement co-ordinator shall not provide the information and request referred to in subsection 137 (1) to a licensee of a nursing home selected by an applicant if, at that point in time, the total number of nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant's admission, is three or more.

(2) If, at a later point in time, the total number of nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant's admission, is less than three, the placement co-ordinator may then provide the information and request referred to in subsection 137 (1) to a licensee of another nursing home selected by the applicant so long as, at any point in time, the total number of nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant's admission, does not exceed three.

(3) This section does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list for the nursing home if the licensee approves his or her admission to the home.

12. Subsection 138 (1) of the Regulation is amended by adding "Subject to section 138.1" at the beginning.

13. The Regulation is amended by adding the following section:

138.1 (1) Sections 137 and 138 do not apply to a related temporary nursing home, a re-opened nursing home or a replacement nursing home.

(2) The licensee of a related temporary nursing home, a re-opened nursing home or a replacement nursing home shall be deemed to approve the admission to the home as a long-stay resident of any person who is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the closure of his or her bed in the home.

14. (1) Subsection 139 (2) of the Regulation is amended by striking out "152" and substituting "150".

(2) Section 139 of the Regulation is amended by adding the following subsection:

(3) Each placement co-ordinator shall also keep a refusal list for the purposes of section 141.

15. Sections 140 to 152 of the Regulation are revoked and the following substituted:

140. (1) The placement co-ordinator designated for a nursing home under subsection 20.1 (3) of the Act shall place a person on the waiting list for the nursing home if, and only if,

- (a) the person is determined by a placement co-ordinator to be eligible for admission to a nursing home;
- (b) the person applies in accordance with this Regulation for authorization of his or her admission to the home;
- (c) the licensee of the home approves the person's admission to the home; and
- (d) placing the person on the waiting list for the home will not result in the total number of waiting lists for nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three.

(2) Clause (1) (d) does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list.

141. (1) A person shall be removed from the waiting list for each nursing home to which the person is awaiting admission as a long-stay resident and shall be placed on the refusal list if,

- (a) the person,
 - (i) is a long-stay resident of another nursing home, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act*, or
 - (ii) is not described in subclause (i) and does not occupy a bed in,
 - (A) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (B) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and that is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
 - (C) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and
- (b) a placement co-ordinator offers to authorize the person's admission to a nursing home, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act* as a long-stay resident, and the person,
 - (i) refuses to consent to admission,
 - (ii) refuses to enter into the written agreement mentioned in clause 155 (1) (e) of this Regulation, clause 86 (1) (e) of Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act* or clause 12.21 (1) (e) of Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*, as applicable, or
 - (iii) fails to move into the facility on or before the fifth day following the day on which he or she is informed of the availability of accommodation.

(2) Subsection (1) does not apply if the reason the person acts in the manner described in subclause (1) (b) (i), (ii) or (iii) is that the person has a short-term illness or injury which,

- (a) prevents the person from moving into the facility at that time; or

(b) would make moving into the facility at that time detrimental to the person's health.

(3) If a person described in subclause (1) (a) (i) is removed from the waiting list for a nursing home under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,

(a) the person provides to the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident; and

(b) placing the person on the waiting list for the home will not result in the total number of waiting lists for nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three.

(4) If a person described in subclause (1) (a) (ii) is removed from the waiting list for a nursing home under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,

(a) the person provides to the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident and,

(i) the request is provided 24 weeks or more after the day the person was removed from the waiting list, or

(ii) the request is provided less than 24 weeks after the day the person was removed from the waiting list but there has been a deterioration in the person's condition or circumstances; and

(b) placing the person on the waiting list for the home will not result in the total number of waiting lists for nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three.

(5) Clause (4) (b) does not apply to a person who will be placed in category 1A on the waiting list for the home.

141.1 (1) A person may be removed from the waiting list for a nursing home to which the person is awaiting admission as a short-stay resident if the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act offers to authorize the person's admission to the home and the person,

(a) refuses to consent to admission; or

(b) fails to move into the home on the day agreed to by the person.

(2) A person who is removed from the waiting list for a nursing home under subsection (1) shall be placed on the waiting list for the home again to await admission as a short-stay resident if the person provides to the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act a new written request for authorization of his or her admission to the home as a short-stay resident.

PLACEMENT INTO CATEGORIES ON WAITING LIST

142. Sections 143 to 148.4 apply only to persons who meet the requirements of section 140 or subsection 141 (3) or (4) or 141.1 (2) for placement on a waiting list.

143. (1) A person shall be placed in category 1A on the waiting list for a nursing home if the person requires immediate admission

as a result of a crisis arising from the person's condition or circumstances.

(2) A person shall be placed in category 1A on the waiting list for a nursing home if,

(a) the person occupies a bed in,

(i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,

(ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or

(iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and

(b) there will be no bed for the person in the hospital or facility within six weeks as a result of,

(i) a permanent closure of all or some of the beds in the hospital or facility, or

(ii) a temporary closure of all or some of the beds in the hospital or facility due to an emergency or redevelopment.

(3) A person shall be placed in category 1A on the waiting list for a nursing home if,

(a) the person is a long-stay resident of another nursing home, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act*; and

(b) there will be no bed for the person in the facility within six weeks as a result of a permanent or temporary closure of all or some of the beds in the facility.

144. A person shall be placed in category 1B on the waiting list for a nursing home if,

(a) the person does not meet the requirements for placement in category 1A;

(b) the home is primarily engaged in serving the interests of persons of a particular religion, ethnic origin or linguistic origin; and

(c) the person is of the religion, ethnic origin or linguistic origin primarily served by the home.

145. (1) A person shall be placed in category 2 on the waiting list for a nursing home if,

(a) the person does not meet the requirements for placement in category 1A or 1B; and

(b) the person occupies a bed in,

(i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,

(ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or

- (iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*.

(2) A person shall be placed in category 2 on the waiting list for a nursing home if,

- (a) the person does not meet the requirements for placement in category 1A or 1B;
- (b) the person is a long-stay resident of another nursing home, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act*; and
- (c) there will be no bed for the person in the facility within 16 weeks as a result of a permanent or temporary closure of all or some of the beds in the facility.

(3) A person shall be placed in category 2 on the waiting list for a nursing home if,

- (a) the person does not meet the requirements for placement in category 1A or 1B;
- (b) the person was or is a long-stay resident of another nursing home, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act*; and
- (c) the person was or will be discharged from the facility,
 - (i) because the facility cannot provide a sufficiently secure environment to ensure the safety of that person or the safety of persons who come into contact with that person, or
 - (ii) because of an absence for the purpose of receiving medical or psychiatric care or undergoing medical or psychiatric assessment.

(4) A person shall be placed in category 2 on the waiting list for a nursing home if,

- (a) the person does not meet the requirements for placement in category 1A or 1B; and
- (b) the person requires admission within three months because,
 - (i) should there be any change in the person's condition or circumstances, the person would require immediate admission as a result of a crisis arising from the person's condition or circumstances, or
 - (ii) attending to the person's care needs is jeopardizing the health and well-being of the person's caregiver.

(5) A person shall be placed in category 2 on the waiting list for a nursing home if,

- (a) the person does not meet the requirements for placement in category 1A or 1B; and
- (b) the person's spouse or partner is a long-stay resident of the nursing home or neither the person nor his or her spouse or partner is a long-stay resident of the nursing home but both wish to reside in the nursing home.

(6) If a person applies for authorization of his or her admission to a nursing home, a home under the *Homes for the Aged and Rest Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act* as a long-stay resident and a placement co-ordinator, with the consent of the person, authorizes the person's admission to a facility that is not the person's first choice, the person shall, if he or she wishes, be kept on the waiting lists for the person's preferred nursing homes and shall be placed in category 2.

146. Despite sections 143 to 145, a person shall be placed in the veteran category on the waiting list for a nursing home if,

- (a) the home contains veterans' priority access beds;
- (b) the person has applied for authorization of his or her admission to a veteran's priority access bed; and
- (c) the person is a veteran.

147. Despite sections 143 to 145, a person shall be placed in the exchange category on the waiting list for a nursing home if,

- (a) the person,
 - (i) occupies a bed in a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (ii) occupies a bed in a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act,
 - (iii) occupies a bed in a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*, or
 - (iv) is a long-stay resident of another nursing home, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act*;
- (b) the person is the subject of an agreement between the nursing home to which the person seeks admission, at least one hospital or facility mentioned in subclause (a) (i), (ii) or (iii) and possibly one or more other hospitals, facilities or homes, to exchange identified residents or patients, in order to meet the specialized requirements of any of the exchanged residents or patients; and
- (c) the result of the exchange will be that the person will become a resident of the nursing home to which the person seeks admission and a resident of the nursing home will be discharged.

148. Despite sections 143 to 145 and section 147 but subject to section 146, a person shall be placed in the related temporary nursing home category on the waiting list for a nursing home if,

- (a) the nursing home is or will be a related temporary nursing home; and
- (b) the person is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the closure of his or her bed in the home.

148.1 Despite sections 143 to 145 and section 147 but subject to section 146, a person shall be placed in the re-opened nursing home category on the waiting list for a nursing home if,

- (a) the nursing home is or will be a re-opened nursing home; and
- (b) the person is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the temporary closure of his or her bed in the home.

148.2 Despite sections 143 to 145 and section 147 but subject to section 146, a person shall be placed in the replacement nursing home category on the waiting list for a nursing home if,

- (a) the nursing home is or will be a replacement nursing home; and
- (b) the person is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the permanent closure of his or her bed in the home.

148.3 A person shall be placed in category 3 on the waiting list for a nursing home if the person does not meet the requirements for placement in any other category.

148.4 (1) Sections 143 to 148.3 do not apply to a person applying for authorization of admission to a nursing home as a short-stay resident in the respite care or supportive care program.

(2) A person referred to in subsection (1) shall be placed in the short-stay category on the waiting list for the nursing home.

RANKING OF CATEGORIES

149. For each class of beds set out in a column of Table 4, the categories on the waiting list shall be ranked in the order set out in the rows below that class of beds, such that a category mentioned in a higher row ranks ahead of a category mentioned in a lower row.

RANKING WITHIN CATEGORIES

150. (1) Within a waiting list category set out in Column 1 of Table 5, persons shall be ranked for admission in accordance with the rules set out opposite the category in Column 2 of Table 5.

(2) If, within six weeks after making his or her first application for authorization of admission to one or more nursing homes, homes under the *Homes for the Aged and Rest Homes Act* or approved charitable homes for the aged under the *Charitable Institutions Act* as a long-stay resident, and before being admitted to one of such facilities, a person makes one or more additional applications for authorization of his or her admission to one or more nursing homes as a long-stay resident, the additional applications made within the six-week period shall, for the purpose of Table 5, be deemed to have been made at the time that the first application was made.

(3) If a person who was determined by a placement co-ordinator to be ineligible for admission to a nursing home as a long-stay resident is determined to be eligible for admission as a long-stay resident as a result of an application to the Appeal Board under subsection 20.5 (2) of the Act or an appeal to the Divisional Court under subsection 20.8 (1) of the Act, and if the person then makes an application for authorization of his or her admission to one or more nursing homes, homes under the *Homes for the Aged and Rest Homes Act* or approved charitable homes for the aged under the *Charitable Institutions Act* as a long-stay resident,

- (a) that application for authorization shall, for the purposes of Table 5, be deemed to have been made at the time that the placement co-ordinator determined that the person was ineligible for admission; and
- (b) all additional applications for authorization of admission to one or more nursing homes as a long-stay resident, made by the person within six weeks after making the first application and before being admitted to one of such facilities shall, for the purpose of Table 5, be deemed to have been made at the time that the first application is deemed under clause (a) to have been made.

(4) Despite subsection (2), if a person provides to the placement co-ordinator designated for a nursing home under subsection 20.1 (3) of the Act a new request for authorization of admission to the home under subsection 141 (3) or (4) or 141.1 (2), the person shall, for the purpose of Table 5, be deemed to have applied for authorization of admission to the home at the time of the provision of the new request.

16. (1) Subsection 153 (2) of the Regulation is revoked.

(2) Clause 153 (4) (a) of the Regulation is amended by striking out "or subsection 141 (3)" at the end.

(3) Clause 153 (4) (d) of the Regulation is amended by striking out "a nursing home" at the end and substituting "the nursing home".

(4) Subsection 153 (5) of the Regulation is revoked and the following substituted:

(5) Persons on a waiting list for interim beds for a nursing home shall be ranked for admission according to the time at which they applied for authorization of their admission to an interim bed in that home.

(6) Subsections 150 (2) and (3) apply with necessary modifications to the ranking of persons on a waiting list for interim beds for a nursing home.

17. (1) Section 154 of the Regulation is amended by striking out "148" and substituting "148.4".

(2) Section 154 of the Regulation is amended by adding the following subsection:

(2) If a person who is on the waiting list for a nursing home should be placed in a different category on the waiting list as a result of amendments made to this Regulation by Ontario Regulation 121/02, the placement co-ordinator keeping the waiting list shall place the person in the different category.

18. (1) Subsection 155 (1) of the Regulation is amended by striking out "Subject to section 157" at the beginning and substituting "Subject to section 156".

(2) Clauses 155 (1) (c), (d), (e) and (f) of the Regulation are revoked and the following substituted:

- (c) the home has available the class of accommodation for which the person is recorded to be waiting;
- (d) there is no one on the waiting list for the home who is recorded to be waiting for the class of accommodation that is available, who ranks ahead of the person, and whose admission may be authorized under this section; and
- (e) in the case of a person who is applying for authorization of his or her admission to the home as a long-stay resident, the person agrees in writing with the licensee of the home that,
 - (i) the person will move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home,
 - (ii) if the person moves into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,
 - (A) for each day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, the amount that the licensee would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and
 - (B) if the person moves into the home on or after the third day following the day on which he or she is informed of the availability of accommodation in the home, the daily bed-holding amount as determined under section 47 for each day from and

including the second day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, and

- (iii) if the person does not move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,

(A) for each of the five days following the day on which the person is informed of the availability of accommodation in the home, the amount that the licensee would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and

(B) for each of the second, third, fourth and fifth days following the day on which the person is informed of the availability of accommodation in the home, the daily bed-holding amount as determined under section 47.

(3) Subsection 155 (2) of the Regulation is revoked and the following substituted:

(2) For the purposes of clauses (1) (c) and (d), the following are the classes of accommodation for which a person may be recorded to be waiting:

1. Accommodation for a woman in a respite care or supportive care program.
2. Accommodation for a man in a respite care or supportive care program.
3. Basic accommodation for a woman other than in a respite care or supportive care program.
4. Basic accommodation for a man other than in a respite care or supportive care program.
5. Semi-private accommodation for a woman other than in a respite care or supportive care program.
6. Semi-private accommodation for a man other than in a respite care or supportive care program.

7. Private accommodation for a woman other than in a respite care or supportive care program.

8. Private accommodation for a man other than in a respite care or supportive care program.

(4) Subsection 155 (2.2) of the Regulation is revoked.

(5) Subsection 155 (3) of the Regulation is amended by striking out “third” and substituting “fifth”.

(6) Section 155 of the Regulation is amended by adding the following subsection:

(5) A licensee of a nursing home shall inform the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act of available accommodation in the home within 24 hours after the accommodation becomes available.

19. Clause 156 (b) of the Regulation is amended by striking out “category 1” and substituting “category 1A”.

20. Subsection 158 (1) of the Regulation is revoked and the following substituted:

(1) A licensee of a nursing home shall keep a transfer list consisting of,

- (a) the names of the residents of the home who are requesting a transfer from preferred accommodation in the home to basic accommodation in the home; and
- (b) the names of the residents of the home who are requesting a transfer from private accommodation in the home to semi-private accommodation in the home.

21. The heading to Table 1 of the Regulation is revoked and the following substituted:

TABLE 1
SUBSIDY CALCULATION WORKSHEET

22. The heading to Table 3 of the Regulation is revoked and the following substituted:

TABLE 3
RESIDENT PAYMENTS

23. The Regulation is amended by adding the following Tables:

TABLE 4
RANKING OF WAITING LIST CATEGORIES

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Class of Beds	Beds in a related temporary nursing home, other than veterans' priority access beds	Beds in a re-opened nursing home, other than veterans' priority access beds	Beds in a replacement nursing home, other than veterans' priority access beds	Veterans' priority access beds in a nursing home, other than a related temporary, re-opened or replacement nursing home	Veterans' priority access beds in a related temporary, re-opened or replacement nursing home	All other beds in a nursing home
Waiting List Categories	Related temporary	Re-opened	Replacement	Veteran	Veteran	Exchange
	Exchange	Exchange	Exchange	Exchange	Related temporary, re-opened or replacement, as applicable	1A
	1A	1A	1A	1A	Exchange	1B
	1B	1B	1B	1B	1A	2
	2	2	2	2	1B	3
	3	3	3	3	2	
					3	

TABLE 5
RULES FOR RANKING WITHIN CATEGORIES

ITEM	COLUMN 1	COLUMN 2
	Category	Rules
1.	Related temporary, re-opened and replacement nursing home	Persons shall be ranked according to the date of their admission to the original nursing home.
2.	Veteran	(a) Veterans who require immediate admission as a result of a crisis arising from their condition or circumstances shall rank ahead of all other veterans. (b) As among themselves, veterans who require immediate admission as a result of a crisis arising from their condition or circumstances shall be ranked according to the urgency of their need for admission. (c) Veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances but are continuum of care applicants on the waiting list for the continuum of care nursing home shall rank ahead of all other veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances. (d) As among themselves, veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances but are continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the nursing home. (e) As among themselves, veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances and are not continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the nursing home.
3.	1A	Persons shall be ranked according to the urgency of their need for admission.
4.	All categories, other than those in items 1, 2, 3 and 5	(a) Persons who are continuum of care applicants on the waiting list for the continuum of care nursing home shall rank ahead of all other persons in the same category. (b) As among themselves, persons in the same category who are continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the nursing home. (c) As among themselves, persons in the same category who are not continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the nursing home.
5.	Short-stay	Persons shall be ranked according to the time at which they applied for authorization of their admission to the nursing home.

24. This Regulation comes into force on May 1, 2002.

15/02

ONTARIO REGULATION 122/02

made under the

ELECTRICITY ACT, 1998

Made: March 22, 2002

Filed: March 28, 2002

Amending O. Reg. 207/99
(Payments in Lieu of Corporate Taxes)

Note: Ontario Regulation 207/99 has not previously been amended.

1. Section 3 of Ontario Regulation 207/99 is revoked and the following substituted:

3. The method of calculating the amount of a payment required by section 89 of the Act is modified by the rules set out in sections 4, 5 and 7 to 16.1.

2. Section 6 of the Regulation is revoked and the following substituted:

6. The method of calculating the amount of a payment required by section 90 of the Act is modified by the rules set out in sections 7 to 16.1.

3. The Regulation is amended by adding the following section:

16.1 (1) This section applies, and section 16 does not apply, if the corporation ceases to be exempt under subsection 149 (1) of the Federal Act and subsection 57 (1), section 57.11 and subsection 71 (1) of the *Corporations Tax Act* from the payment of tax under those Acts in circumstances in which a deemed disposition occurs under paragraph 149 (10) (b) of the Federal Act.

(2) The taxation year of the corporation shall be deemed to end immediately before the time that the corporation ceases to be exempt from the payment of tax under the Federal Act and the *Corporations Tax Act*.

(3) Subject to subsections (4) and (5), the corporation shall pay the amount determined under sections 89 and 90 of the Act calculated by reference to the deemed disposition under paragraph 149 (10) (b) of the Federal Act (as that paragraph applies for the purposes of determining the amount payable under sections 89 and 90 of the Act).

(4) The corporation is not required to pay an amount under subsection (3) in respect of a deemed disposition of shares of a subsidiary corporation,

- (a) if the corporation owns at least 90 per cent of the issued and outstanding shares of the subsidiary corporation; and
- (b) if the subsidiary corporation is required to pay the amount determined under sections 89 and 90 of the Act calculated by reference to the deemed disposition under paragraph 149 (10) (b) of the Federal Act (as that paragraph applies for the purposes of determining the amount payable under sections 89 and 90 of the Act).

(5) The corporation is not required to pay the amount described in subsection (3) if both of the following conditions are satisfied:

- 1. The corporation ceases to be exempt from the payment of tax under the Federal Act and the *Corporations Tax Act* as a result of a lawful distribution to the public of shares of the corporation or a related corporation pursuant to a prospectus, registration statement or similar document filed with and, if required by law, accepted for filing by a public authority in Canada under the laws of Canada or of a province. The distribution must be the first distribution to the public of shares of the corporation or related corporation.
- 2. With the consent of the Minister, the corporation pays to the Financial Corporation an amount that, in the Minister's opinion, reasonably approximates the additional amounts, if any, that would be payable by the corporation under sections 89 and 90 of the Act if the corporation were required, but for this subsection, to pay the amount described in subsection (3).

(6) An amount paid to the Financial Corporation under paragraph 2 of subsection (5) cannot be varied on objection or appeal under the *Corporations Tax Act*.

(7) The Minister is not permitted, on a reassessment, to vary an amount paid to the Financial Corporation under paragraph 2 of subsection (5) unless, in the Minister's opinion, the corporation, a related corporation or a person acting on behalf of the corporation or related corporation makes a misrepresentation to the Minister that is attributable to neglect, carelessness or wilful default or commits a fraud in giving information under the Act in respect of the determination of the amount paid under that paragraph.

JAMES M. FLAHERTY
Minister of Finance

Dated on March 22, 2002.

15/02

ONTARIO REGULATION 123/02

made under the

ELECTRICITY ACT, 1998

Made: March 22, 2002
Filed: March 28, 2002

Amending O. Reg. 162/01
(Payments in Lieu of Corporate Taxes —
Municipal Electricity Utilities)

Note: Ontario Regulation 162/01 has not previously been amended.

1. Paragraph 2 of section 12 of Ontario Regulation 162/01 is revoked and the following substituted:

2. The taxation year of the utility shall be deemed to end immediately before the time that the corporation ceases to be exempt from the payment of tax under the Federal Act and the *Corporations Tax Act*.

3. Subject to paragraphs 4 and 5, the utility shall pay the amount determined under section 93 of the Act calculated by reference to the deemed disposition under paragraph 149 (10) (b) of the Federal Act.

4. The utility is not required to pay an amount under paragraph 3 in respect of a deemed disposition of shares of a subsidiary corporation,

- i. if the utility owns at least 90 per cent of the issued and outstanding shares of the subsidiary corporation, and
- ii. if the subsidiary corporation is required to pay the amount determined under section 93 of the Act calculated by reference to the deemed disposition under paragraph 149 (10) (b) of the Federal Act.

5. The utility is not required to pay the amount described in paragraph 3 if both of the following conditions are satisfied:

- i. The utility ceases to be exempt from the payment of tax under the Federal Act and the *Corporations Tax Act* as a result of a lawful distribution to the public of shares of the utility or a related corporation pursuant to a prospectus, registration statement or similar document filed with and, if required by law, accepted for filing by a public authority in Canada under the laws of Canada or of a province. The distribution must be the first distribution to the public of shares of the utility or related corporation.
- ii. With the consent of the Minister, the utility pays to the Financial Corporation an amount that, in the Minister's opinion, reasonably approximates the additional amounts, if any, that would be payable by the utility under section 93 of the Act if the utility were required, but for this paragraph, to pay the amount described in paragraph 3.

6. An amount paid to the Financial Corporation under paragraph 3 cannot be varied on objection or appeal under the *Corporations Tax Act*.

7. The Minister is not permitted, on a reassessment, to vary an amount paid to the Financial Corporation under paragraph 3 unless, in the Minister's opinion, the utility, a related corporation or a person acting on behalf of the utility or related corporation makes a misrepresentation to the Minister that is attributable to neglect, carelessness or wilful default or commits a fraud in giving information under the Act in respect of the determination of the amount paid to the Financial Corporation under that paragraph.

JAMES M. FLAHERTY
Minister of Finance

Dated on March 22, 2002.

15/02

CORRECTION

Ontario Regulation 91/02 under the *Remedies for Organized Crime and Other Unlawful Activities Act, 2001* published in the March 30, 2002 issue of *The Ontario Gazette*.

The filed date should have read as follows:

Filed: March 12, 2002

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Les publications suivantes sont maintenant offertes aux prix substantiellement réduits. Pas de remboursements ni d'échanges.

Pub#	Titre	Prix ordinaire	Prix de solde
103457	Action: Guide des communications pour la commercialisation sociale dans la promotion de la santé	16,00\$	5,00\$
104482	Etude sur les services hospitaliers à la mère et au nouveau-né en Ontario	7,50\$	3,00\$
104309	Guide des communications de l'Ontario	7,50\$	1,50\$
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