

The Corporation of the City of Guelph

By-law Number (2023) - 20769

A By-law to amend By-law Number (2021)-20591, being a by-law delegating authority to The Elliott to operate The Elliott Long-Term Care Residence as the City of Guelph's long-term care home.

Whereas, on August 25, 2014, Council of The Corporation of the City of Guelph ("Council") passed By-law Number (2014) - 19796, being a by-law delegating authority to The Elliott to operate The Elliott Long-Term Care Residence as the City's long-term care home;

And whereas, on September 12, 2016, Council passed By-law Number (2016) - 20090, which repealed and replaced By-law Number (2014) - 19796;

And whereas, on March 29, 2021, Council passed By-law Number (2021) - 20591 (the "By-law"), which repealed and replaced By-law Number (2016) - 20090;

And whereas The Corporation of the City of Guelph wishes to amend the By-law in order to, among other things, change the composition of the Committee of Management and reflect recent amendments to the legislation governing the establishment and maintenance of long-term care homes and the responsibilities and obligations relating to the provision of long-term care services.

The Council of the Corporation of the City of Guelph enacts as follows:

1. That the recitals to the By-law are repealed in their entirety and the following substituted:

"Whereas, under the *Fixing Long-Term Care Act, 2021* (the "FLTCA"), The Corporation of the City of Guelph (the "City") is required to provide long-term care services as approved by the Minister of Long-Term Care (the "Minister");

And whereas The Elliott Long-Term Care Residence is the long-term care home operated by The Elliott, being Home Number M633;

And whereas, pursuant to Long-Term Care Home Approval Number M633-A01, effective February 1, 2015, the Minister approved the City fulfilling its obligations under the FLTCA by way of establishing and maintaining The Elliott Long-Term Care Residence, subject to certain conditions, including the passing of a by-law authorizing the City to delegate the provision of long-term care services to The Elliott;

And whereas the City wishes to establish The Elliott Long-Term Care Residence as the City's long-term care home, to create a Committee of Management to oversee the operations of The Elliott Long-Term Care Residence, and to delegate certain responsibilities and obligations relating to the provision of long-term care services to The Elliott and the Committee of Management;

And whereas section 23.1 of the *Municipal Act, 2001* permits Council to delegate its powers and duties under the LTCHA to The Elliott, subject to the rules set out in subsection 23.1(2) of the *Municipal Act, 2001*;"

2. That section 1 of the By-law is amended by striking out the abbreviation "LTCHA" and substituting "FLTCA".
3. That the definition of "Administrator" in section 2 of the By-law is repealed and the following substituted:

"**Administrator**" means the administrator of The Elliott Long-Term Care Residence required under section 76 of the FLTCA, as appointed by the Board of Trustees and approved by the Committee of Management;"

4. That section 2 of the By-law is amended by inserting the following definition after the definition "Board of Trustees":

"‘**City**’ means The Corporation of the City of Guelph;"

5. That section 2 of the By-law is amended by inserting the following definition after the definition "Delegated Authority":

"‘**FLTCA**’ means the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1;"

6. That section 2 of the By-law is amended by striking out the definition of "LTCHA".

7. That section 2 of the By-law is amended by repealing the definition of "Ministry" and the following substituted:

"‘**Ministry**’ means the Ministry of Long-Term Care;"

8. That section 3 of the By-law is amended by striking out the words "Pursuant to section 132 of the LTCHA" and substituting the words "Pursuant to section 135 of the FLTCA".

9. That Section 4 of the By-law is repealed and the following substituted:

"The Committee of Management shall be composed of seven Members of Council, the service area vice-chairs of Corporate Services, Public Services, Infrastructure, Development and Enterprise Services, Governance, and Audit, respectively, the service area chair of Public Services, and the Council appointee to the Board of Trustees."

10. That paragraph 2 of section 5 of the By-law is amended by striking out the abbreviation "LTCHA" and substituting "FLTCA".

11. That section 6 of the By-law is amended by striking out the words "in Section 6 of the LTCHA" and substituting the words "in section 24 of the FLTCA."

12. That section 9 of the By-law is repealed and the following substituted:

"The Chair and the Vice-Chair of the Committee of Management shall be elected by the members of the Committee of Management."

13. That section 11 of the By-law is amended by striking out the words "in Section 6 of the LTCHA" and substituting the words "in section 24 of the FLTCA."

14. That section 13 of the By-law is amended by striking out the abbreviation "LTCHA" and substituting "FLTCA".

15. That section 14 of the By-law is amended by striking out the abbreviation "LTCHA" and substituting "FLTCA".

16. That section 23 of the By-law is repealed and the following substituted:

"Revocation of this By-law in accordance with section 23.1 of the *Municipal Act, 2001* may be restricted by the requirements under Part IX of the FLTCA."

17. That the number 24 is inserted before the section following section 23 of the By-law.

18. That the By-law is amended by adding the following as section 25:

"25. The Deputy CAO – Public Services is authorized to enter into any agreements required by the Waterloo Wellington Local Health Integration Network or the Ministry relating to the City's provision of long-term care

services on terms and conditions satisfactory to the Deputy CAO – Public Services, the City Treasurer, and the City Solicitor and in consultation with The Elliott. The Deputy CAO – Public Services may delegate the authority conferred by this section to another City employee or to the Board of Trustees at her/his discretion.”

19.All other provisions set forth in the By-law shall remain unchanged and this amending by-law and the By-law shall be deemed a single integrated by-law for all purposes.

20.This By-law shall come into force and effect on January 24, 2023.

Passed this 24th day of January, 2023.

Cam Guthrie, Mayor

Stephen O’Brien, City Clerk