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Seniors Active Living Centres Act, 2017

S.O. 2017, CHAPTER 11

SCHEDULE 6

Consolidation Period: From October 1, 2017 to the [e-Laws currency date](#).

Last amendment: [2017, c. 11, Sched. 6, s. 12](#).

Legislative History: [+]

Definitions

1 In this Act,

"approval" means an approval of an operator or a program issued under section 4; ("agrément")

"director" means the director appointed under section 2; ("directeur")

"Minister" means the Minister Responsible for Seniors Affairs or any other member of the Executive Council to whom the responsibility for the administration of this Act is assigned under the *Executive Council Act*; ("ministre")

"operator" means a corporation that establishes, maintains or operates a program, where the corporation is a corporation without share capital having objects of a charitable nature,

(a) to which Part III of the *Corporations Act* applies, or

(b) that is incorporated under a general or special Act of the Parliament of Canada; ("prestataire")

"program" means a program whose purpose is described in subsection 4 (3); ("programme")

"regulations" means the regulations made under this Act. ("règlement")

Director

2 (1) The Minister shall appoint an individual, in writing, as the director for the purposes of this Act and the regulations from among the public servants who are employed under Part III of the *Public Service of Ontario Act, 2006* and who work in the Ontario Seniors' Secretariat.

Restrictions on appointment

(2) The Minister may specify, in the appointment, conditions or restrictions to which the appointment is subject.

Delegation of powers and duties

(3) The director may delegate his or her powers or duties under the appointment.

APPROVALS

Approvals required for grants

3 No operator shall receive a payment under section 8 to establish, maintain or operate a program unless the director has approved both the operator and the program.

Issuance of approvals

4 (1) In order to obtain an approval of itself or an approval of a program, an operator shall apply to the director in accordance with this Act and the regulations and shall provide the director with the documents and information specified in the regulations and the other documents and information that the director reasonably requires.

Approval of operator

(2) The director shall approve an operator that applies for approval if the director is satisfied that the operator,

- (a) is financially capable of establishing, maintaining and operating a program;
- (b) will carry on the program under competent management in good faith; and
- (c) meets the other criteria, if any, that are prescribed by the regulations.

Approval of program

(3) The director shall approve a program if the operator of the program applies for the approval and if the director is satisfied that,

- (a) the purpose of the program is to promote active and healthy living, social engagement and learning for persons who are primarily seniors by providing them with activities and services; and
- (b) the program meets the other criteria, if any, that are prescribed by the regulations.

Refusal to approve an operator

(4) Subject to section 5, the director shall refuse to approve an operator if, in the opinion of the director, the operator has not complied with subsection (1) or the criteria set out in subsection (2) have not been met.

Refusal to approve a program

(5) Subject to section 5, the director shall refuse to approve a program if, in the opinion of the director, the operator has not complied with subsection (1) or the criteria set out in subsection (3) have not been met.

No hearing required

5 (1) The director is not required to hold an oral hearing or to afford a person an opportunity for a hearing before doing anything under section 4.

Non-application of *Statutory Powers Procedure Act*

(2) The *Statutory Powers Procedure Act* does not apply to anything done by the director under section 4.

Notice of intent to make decision

(3) The director shall not make a decision to refuse to issue an approval to an applicant unless, before doing so, the director,

- (a) serves a notice of intent to make the decision on the applicant in accordance with subsection (4);
- (b) gives the applicant an opportunity to make written submissions with respect to the proposed decision in accordance with subsection (5); and
- (c) reviews the written submissions, if any, made by the applicant in accordance with subsection (5).

Content of notice of intent

(4) A notice of intent shall,

- (a) set out the proposed decision and the reasons for it; and
- (b) state that the applicant may provide written submissions to the director in accordance with subsection (5).

Written submissions

(5) An applicant that is served with a notice of intent may provide written submissions to the director with respect to any matter set out in the notice, within 15 days after the day the notice of intent was served on the applicant or within whatever other period is specified in the notice.

Refusal of approval

6 If the director makes a decision to refuse to issue an approval to an applicant,

- (a) the director shall serve the applicant with a notice of decision setting out the decision and the reasons for it; and
- (b) the applicant may reapply to the director for approval if the applicant satisfies the director that new or other evidence is available or that material circumstances have changed.

Director's decision final

7 (1) A decision made by the director under section 4 is final and not subject to appeal.

No judicial review

(2) Despite any other Act or law, no person may bring an application for judicial review of a decision made by the director under section 4.

PAYMENT OF GRANTS

Maintenance and operating grants

8 (1) Subject to subsections (3) and (4), the Minister may direct that an amount be paid, out of the money appropriated for that purpose by the Legislature, to an approved operator towards the cost of maintaining and operating an approved program.

Amount of payment

(2) The Minister has discretion to determine the amount of the payment.

Contribution if program in a municipality

(3) No payment shall be made to an approved operator with respect to an approved program that the operator will maintain and operate in a municipality unless one of the following, as the Minister determines, directs payment to the operator of a sum equal to at least the amount determined in accordance with subsection (5) or, if the Minister approves, contributes personal property or services that are equivalent in value to at least that amount:

1. The council of any one municipality.
2. The council of any one municipality, together with the councils of one or more contiguous municipalities.
3. The other entities, if any, that are prescribed.

Contribution if program not in a municipality

(4) No payment shall be made to an approved operator with respect to an approved program that the operator will maintain and operate in a location, other than a municipality, unless the entities, if any, that are prescribed,

- (a) direct payment to the operator of a sum equal to at least the amount determined in accordance with subsection (5); or
- (b) if the Minister approves, contribute personal property or services that are equivalent in value to at least the amount described in clause (a).

Amount of contribution

(5) Subject to the regulations, the amount mentioned in subsection (3) or (4) is,

- (a) the amount equal to 20 per cent of the net annual cost to the approved operator of maintaining and operating the approved program, if the operator was approved on or after April 1, 2008 under this Act or the *Elderly Persons Centres Act*, as it read at the time of the approval; or

- (b) the amount equal to 20 per cent of the net annual cost to the approved operator in the operator's 2007-2008 fiscal year of maintaining and operating the approved program, if the operator was approved before April 1, 2008 under the *Elderly Persons Centres Act*, as it read at the time of the approval.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 8 (5) of the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 6, s. 12)

Amount of contribution

- (5) Subject to the regulations, the amount mentioned in subsection (3) or (4) is the amount equal to 20 per cent of the net annual cost to the approved operator of maintaining and operating the approved program. 2017, c. 11, Sched. 6, s. 12.

Section Amendments with date in force (d/m/y) [+]

Special grants

- 9 (1) If the Minister directs that an amount be paid to an approved operator under subsection 8 (1) towards the cost of maintaining and operating an approved program, the Minister may, in addition, direct that an amount be paid, out of the money appropriated for that purpose by the Legislature, on a one-time basis to the operator towards the cost of maintaining and operating the program.

No contributions

- (2) For greater certainty, subsections 8 (3) and (4) do not apply to a payment made under subsection (1).

Repayment of grants if approval ceases

- 10 If an approved operator ceases to meet the criteria for approval set out in subsection 4 (2) or if the program that the operator operates ceases to meet the criteria for approval set out in subsection 4 (3), the director may determine, on a reasonable basis, what part of any payment that the operator has received under this Act is to be repaid to the Crown.

GENERAL

Regulations

- 11 (1) The Lieutenant Governor in Council may make regulations,

- (a) specifying anything that this Act describes as prescribed or specified in the regulations or done by or in accordance with the regulations;
- (b) governing applications for approvals;
- (c) setting a percentage for the purposes of subsection 8 (5) that differs from the one set out in that subsection;
- (d) governing how the annual cost mentioned in subsection 8 (5) is to be determined;
- (e) governing repayments described in section 10.

Scope

- (2) A regulation may be general or specific in its application to any person, place or thing or any class of them, may impose different requirements, conditions or restrictions on or in respect of any class and may be limited as to time and place.

Classes

- (3) A class described in a regulation may be described according to any characteristic or combination of characteristics and may be described to include or exclude any specified member, whether or not with the same characteristics.

12 OMITTED (PROVIDES FOR AMENDMENTS TO THIS ACT).

13-15 OMITTED (AMENDS, REPEALS OR REVOKES OTHER LEGISLATION).

16 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT).

17 OMITTED (ENACTS SHORT TITLE OF THIS ACT).

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