

The Personal Care Homes Act

being

Chapter P-6.01 of the *Statutes of Saskatchewan, 1989-90* (effective October 1, 1991) as amended by the *Statutes of Saskatchewan, 1993, c.17; 2002, c.R-8.2; 2003, c.7; 2006, c.C-1.1; 2013, c.S-15.1; 2014, c.5; 2017, c.P-30.3; and 2018, c.42.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-6.01

An Act respecting Personal Care Homes

Short title

1 This Act may be cited as *The Personal Care Homes Act*.

Interpretation

2 In this Act:

- (a) **“administrator”** means an administrator appointed pursuant to section 14.1 or 14.11;
- (a.1) **“court”** means the Court of Queen’s Bench;
- (a.2) **“department”** means the department over which the minister presides;
- (b) **“licence”** means a valid and subsisting licence issued pursuant to section 5;
- (c) **“licensee”** means the holder of a licence;
- (d) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) **“personal care home”** means a facility that provides:
 - (i) accommodation and meals; and
 - (ii) supervision or assistance with personal care;to an adult who is not a relative of the person who operates the facility, but does not include any facility:
 - (iii) designated as a special-care home pursuant to *The Provincial Health Authority Act*;
 - (iv) for which a licence or certificate of approval is issued pursuant to *The Residential Services Act*;
 - (v) that is a facility within the meaning of *The Mental Health Services Act*;
 - (vi) that has been designated as a hospital or a health centre pursuant to *The Provincial Health Authority Act*;
 - (vii) that is a facility used by the cancer agency continued pursuant to *The Cancer Agency Act*;
 - (viii) **Repealed.** 2002, c.R-8.2, s.110.
 - (ix) that is designated in the regulations;
- (e.1) **“prescribed”** means prescribed in the regulations;

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(f) “**relative**” means a spouse, son, daughter, sister, brother, parent, aunt, uncle, great aunt, great uncle, grandparent, greatgrandparent, cousin, nephew or niece whether that person is related by blood or by marriage or as a result of adoption;

(g) “**security**” means, except in subsection 14.1(5), a bond or other security required to be furnished by an applicant for a licence or a renewed licence pursuant to subsection 8.1(2) or (3).

1989-90, c.P-6.01, s.2; 2002, c.R-8.2, s.110 and 121; 2003, c.7, s.3; 2006, c.C-1.1, s.27; 2017, cP-30.3, s.11-1.

Licence required

3 No person shall operate or cause to be operated a personal care home unless that person holds a licence authorizing him or her to do so.

1989-90, c.P-6.01, s.3.

Applications

4 An applicant for a licence shall:

- (a) submit an application to the department in a form approved by the minister;
- (b) include in the application any relevant information and material that the minister may request;
- (c) submit the fee prescribed in the regulations; and
- (d) if required to do so pursuant to section 8.1, furnish security in the prescribed form and prescribed amount.

1989-90, c.P-6.01, s.4; 2003, c.7, s.4.

Issuance of licence

5(1) Where an application is received by the department, the minister may:

- (a) if satisfied that the applicant has complied with this Act and the regulations, issue the licence; or
- (b) refuse to issue the licence.

(2) The minister may include as a provision of the licence any term or condition that the minister considers appropriate.

1989-90, c.P-6.01, s.5.

Compliance with licence required

6 No person to whom a licence is issued shall fail to comply with any term or condition contained in the licence.

1989-90, c.P-6.01, s.6.

Licence not transferable

7 A licence is not transferable.

1989-90, c.P-6.01, s.7.

Licence to be displayed

8 Every licensee shall cause the licence to be displayed in a prominent place in the personal care home for which it is issued.

1989-90, c.P-6.01, s.8.

Security

8.1(1) In this section:

- (a) **“existing personal care home”** means a personal care home for which, on the coming into force of this section, there is a valid licence;
 - (b) **“new personal care home”** means a proposed personal care home or a personal care home for which, on the coming into force of this section, there is no valid licence.
- (2) On and after the coming into force of this section, an applicant for a licence for a new personal care home that is intended to accommodate 21 or more residents must, as part of the applicant’s application:
- (a) file a bond in the prescribed form and amount; or
 - (b) provide security in any other prescribed form and amount.
- (3) If required to do so by the regulations, a licensee of an existing personal care home in any category prescribed for the purposes of this subsection must, as part of the licensee’s application for renewal of the licence:
- (a) file a bond in the prescribed form and amount; or
 - (b) provide security in any other prescribed form and amount.
- (4) If the minister considers it to be appropriate to do so, the minister may exempt:
- (a) an applicant for a licence from the requirement to file a bond or provide security set out in subsection (2); or
 - (b) a licensee from the requirement to file a bond or provide security set out in subsection (3).
- (5) A bond required pursuant to clause (2)(a) or (3)(a) must be issued by an insurer licensed pursuant to *The Saskatchewan Insurance Act* to transact guarantee insurance.
- (6) Notwithstanding section 14, if a bond filed pursuant to clause (2)(a) or (3)(a) or other security provided pursuant to clause (2)(b) or (3)(b) is no longer in effect, the licensee’s licence is automatically suspended.
- (7) If a licence is automatically suspended pursuant to subsection (6), the minister shall, within 15 days, provide written notice to the licensee of the suspension.
- (8) Notwithstanding that the Crown in right of Saskatchewan has not suffered any loss or damage:
- (a) every bond filed pursuant to clause (2)(a) or (3)(a) must be construed as being a penal bond; and

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- (b) if any bond is forfeited pursuant to subsection (9), the amount due and owing as a debt to the Crown in right of Saskatchewan by the person bound by the bond must be determined as if the Crown had suffered a loss or damage that would entitle the Crown to be indemnified to the maximum amount of liability set out in the bond.
- (9) Every bond filed pursuant to clause (2)(a) or (3)(a) is forfeited on the demand of the minister if the minister has reason to believe that:
- (a) the licensee:
 - (i) has ceased to function or is otherwise unable to carry out the duties of the licensee relating to the operation of the personal care home or the care of the residents of the personal care home; and
 - (ii) has not provided the department with notice of intention to discontinue operation of the personal care home as required by the regulations;
 - (b) the licensee has failed to comply with the requirements of this Act, the regulations or the terms and conditions of his or her licence and that failure to comply is of a sufficiently serious nature to warrant the suspension or cancellation of the licensee's licence; or
 - (c) all of the following apply:
 - (i) the licensee has committed an offence pursuant to the *Criminal Code* against the person or involving fraud or theft or conspiracy to commit an offence involving fraud or theft; and
 - (ii) the offence mentioned in subclause (i) is of a sufficiently serious nature to warrant the suspension or cancellation of the licensee's licence.
- (10) If the minister has reason to believe that any of the grounds set out in clauses (9)(a) to (c) exists, the minister may, in accordance with the regulations, demand recourse to any other security provided pursuant to clause (2)(b) or (3)(b).
- (11) On a demand of the minister pursuant to subsection (10), the amount of the proceeds of the security is forfeited to the Crown in right of Saskatchewan.
- (12) The minister may, by order, direct that any moneys recovered pursuant to a forfeited bond, or any moneys obtained by recourse to other security, be paid over in accordance with and on the conditions set forth in the order to an administrator appointed pursuant to section 14.1 or 14.11 with respect to the personal care home of the person named in the bond or other security or to an agent of the administrator.
- (13) Any moneys not paid over pursuant to an order of the minister made pursuant to subsection (12) must, after the payment of any expenditures incurred by the minister in connection with the forfeiture of the bond or the recourse to the other security or by the administrator in carrying out the duties of the administrator, be refunded to the surety or obligor pursuant to the bond or other security.

Amendment, suspension, cancellation of licences

9(1) Where the minister considers it to be in the public interest, he or she may amend, suspend or cancel a licence.

(2) For the purposes of section 3, a licence that is suspended pursuant to this section is, for the period of the suspension, deemed not to have been issued.

1989-90, c.P-6.01, s.9; 1993, c.17, s.19.

Title reserved

10(1) No person who operates any facility shall hold the facility out as being a personal care home unless that person holds a licence for the facility.

(2) No person who operates a personal care home licensed pursuant to this Act shall:

(a) use the term “special-care home” or “nursing home” in relation to the personal care home or any other term that implies that the personal care home is designated as a special-care home pursuant to *The Provincial Health Authority Act*;

(b) hold the personal care home out as being a special-care home designated as a special-care home pursuant to *The Provincial Health Authority Act*.

1989-90, c.P-6.01, s.10; 2002, c.R-8.2, s.121;
2017, c P-30.3, s.11-1.

Inspection, investigation

11(1) For the purpose of:

- (a) ensuring the well-being of residents of personal care homes; or
- (b) the administration of this Act or the regulations;

the minister or a person appointed by the minister for the purpose may make any inspection, investigation or inquiry that the minister or that person considers necessary.

(2) Every licensee shall:

- (a) cause the personal care home to be open for inspection; and
- (b) cause all books, documents and other records pertaining to the operation of the personal care home to be available for inspection;

by the minister or a person appointed pursuant to subsection (1) at all reasonable times.

(3) Where a person appointed pursuant to subsection (1) believes on reasonable and probable grounds that an offence against this Act or the regulations has occurred, that person may apply to a justice of the peace or a judge for a warrant to be issued pursuant to subsection (4).

(4) Where a justice of the peace or a judge is satisfied by the oath of a person appointed pursuant to subsection (1) that the person believes, on reasonable and probable grounds, that:

- (a) an offence against this Act or the regulations has occurred; and

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(b) there is evidence of an offence against this Act or the regulations to be found at the place to be searched;

the justice of the peace or judge may issue a warrant under his or her hand.

(5) A warrant issued pursuant to subsection (4) authorizes the person named in the warrant to enter the place named in the warrant and every part of the place named in the warrant and of the premises connected with that place to:

- (a) examine the place and connected premises; and
- (b) search for and seize and take possession of anything that there are reasonable and probable grounds to believe will afford evidence of an offence against this Act or the regulations.

(6) A person appointed pursuant to subsection (1) may exercise all or any of the powers mentioned in subsection (5) without a warrant issued pursuant to this section if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the person believes, on reasonable and probable grounds, that the delay necessary to obtain the warrant would result in danger to human life or safety or the loss, removal or destruction of evidence.

(7) No person shall obstruct any person who is authorized to make an entry pursuant to this section.

1989-90, c.P-6.01, s.11.

Copies of documents

12(1) Where any book, record or other document has been seized, examined or produced pursuant to section 11, the minister or a person appointed pursuant to subsection 11(1) may make copies of the book, record or other document.

(2) A document certified by the minister to be a copy made pursuant to this section:

- (a) is admissible in evidence, without proof of the office or signature of that person appearing to have certified the document; and
- (b) has the same probative force as the original document.

(3) If any record or information relating to the personal care home is stored or otherwise contained in a computer or other electronic system of information storage, the licensee or any other person having control of the computer or system shall:

- (a) give the minister or a person appointed pursuant to subsection 11(1) unfettered access to the computer or system for the purpose of obtaining a full copy of the information in any form that the minister or person appointed pursuant to subsection 11(1) requires; and
- (b) provide the minister or a person appointed pursuant to subsection 11(1) with any assistance that the minister or a person appointed pursuant to subsection 11(1) requires in gaining access to the information, including instruction in the use of the computer or system and provision of any access codes that may be required.

1989-90, c.P-6.01, s.12; 2003, c.7, s.6.

Information requested by the minister

13(1) The minister may:

- (a) request from a licensee any information or material that the minister may require for the purposes of this Act and the regulations; and
- (b) prescribe the manner in which and time limits within which that information shall be provided.

(2) No licensee shall fail to provide the minister:

- (a) in the manner; and
- (b) within the time limits;

specified by the minister with any information or material respecting the licensee or the facility that the minister requests pursuant to subsection (1).

1989-90, c.P-6.01, s.13.

Reviews respecting licences

14(1) Where the minister:

- (a) issues a licence;
- (b) refuses to issue a licence;
- (c) amends, suspends or cancels a licence;

the applicant for the licence or the licensee, as the case may be, may request a review:

- (d) in the circumstances described in clause (a), of any terms or conditions contained in the licence;
- (e) in the circumstances described in clause (b), of the refusal to issue the licence;
- (f) in the circumstances described in clause (c), of the amendment, suspension or cancellation of the licence.

(2) A request for a review is to be submitted in writing to the minister within 30 days of the date on which the action or decision in relation to which the review is requested was taken or made.

(3) A request for a review does not stay or otherwise affect the validity of the action or decision in relation to which the review is requested.

(4) On receiving a request for a review the minister shall:

- (a) investigate the situation; and
- (b) allow the person requesting the review an opportunity to make representations personally or with the assistance of counsel.

(5) On completing the review the minister may confirm, reverse or vary the action or decision in relation to which the review was requested.

1989-90, c.P-6.01, s.14.

c. P-6.01**PERSONAL CARE HOMES****Appointment of administrator**

14.1(1) The minister may appoint an administrator to act in the place of the licensee of a personal care home if the minister has reason to believe that:

- (a) the licensee:
 - (i) has ceased to function or is otherwise unable to carry out the duties of the licensee relating to the operation of the personal care home or the care of the residents of the personal care home; and
 - (ii) has not provided the department with written notice of intention to discontinue operation of the personal care home as required by the regulations;
 - (b) the licensee has failed to comply with the requirements of this Act, the regulations or the terms and conditions of his or her licence and that failure to comply is of a sufficiently serious nature to warrant the suspension or cancellation of the licensee's licence; or
 - (c) the licensee has committed an offence pursuant to the *Criminal Code* against the person or involving fraud or theft or conspiracy to commit an offence involving fraud or theft, and the offence is of a sufficiently serious nature to warrant the suspension or cancellation of the licensee's licence.
- (2) Subject to this section and sections 14.11 to 14.9, the minister may set the terms and conditions governing the powers and duties of an administrator.
- (3) The minister shall appoint an administrator for a term not exceeding six months, but may extend the term of an appointment if, in the opinion of the minister, there are exceptional circumstances that make the extension necessary.
- (4) The minister may determine the remuneration and reimbursement of expenses payable to an administrator.
- (5) An administrator may be appointed without security.
- (6) The minister may, at any time, terminate the appointment of an administrator and:
- (a) appoint another administrator; or
 - (b) either:
 - (i) return control of the assets and the operation of the personal care home to the licensee; or
 - (ii) if the licensee is not the owner of the assets, return control of the assets to the owner.

2003, c.7, s.7.

Application to court to appoint administrator

14.11(1) Notwithstanding section 14.1, the minister may apply to a judge of the court for an order to appoint an administrator to act in the place of the licensee of a personal care home.

- (2) The minister shall cause a copy of the application to be served on the following:
- (a) the licensee;
 - (b) if the owner of the personal care home is not the licensee, the owner; and
 - (c) the provincial health authority.
- (3) On an application pursuant to this section, the court may make the order applied for, and may make any additional orders that the court considers appropriate, if the court is satisfied that it is in the best interests of the residents to do so and:
- (a) the licensee:
 - (i) has ceased to function or is otherwise unable to carry out the duties of the licensee relating to the operation of the personal care home or the care of the residents of the personal care home; and
 - (ii) has not provided the department with written notice of intention to discontinue operation of the personal care home as required by the regulations;
 - (b) the licensee has failed to comply with the requirements of this Act, the regulations or the terms and conditions of his or her licence and that failure to comply is of a sufficiently serious nature to warrant the suspension or cancellation of the licensee's licence; or
 - (c) the licensee has committed an offence pursuant to the *Criminal Code* against the person or involving fraud or theft or conspiracy to commit an offence involving fraud or theft, and the offence is of a sufficiently serious nature to warrant the suspension or cancellation of the licensee's licence.
- (4) The minister shall cause every order made pursuant to subsection (3) appointing an administrator to be provided, in any manner that the minister considers appropriate, to the following:
- (a) every employee of the personal care home;
 - (b) every resident of the personal care home or, if any resident has a personal decision-maker within the meaning of *The Adult Guardianship and Co-decision-making Act*, to the personal decision-maker of the resident.
- (5) The court may make an order appointing an administrator for a term not exceeding six months.
- (6) Notwithstanding subsection (5), the minister may apply for an order to appoint an administrator for a period greater than six months, and the court may make the order applied for.
- (7) The court may impose any terms and conditions that it considers necessary on an administrator appointed pursuant to this section.

c. P-6.01**PERSONAL CARE HOMES****Duties of administrator**

14.2(1) An administrator shall carry out all of the obligations of the licensee relating to the operation of the personal care home and the care of the residents of the personal care home.

(2) Subject to any exemption granted pursuant to clause 18(b), an administrator shall operate the personal care home in accordance with this Act and the regulations.

2003, c.7, s.7.

Powers of administrator

14.21(1) On the appointment of an administrator:

(a) the administrator:

(i) has all the powers and duties of the licensee with respect to the personal care home; and

(ii) has control of all assets of the licensee that are necessary for, or are used in, the operation of the personal care home; and

(b) if the licensee is a corporation, the administrator has all the powers and duties of the directors and officers of the corporation with respect to the personal care home.

(2) An administrator may delegate any of the powers vested in the administrator.

(3) While the powers and duties of a licensee or the directors or officers of a licensee are vested in an administrator, the licensee, directors or officers, as the case may be, shall not exercise those powers or carry out those duties.

2003, c.7, s.7.

Duties of licensee

14.3(1) On the appointment of an administrator, the licensee, any persons who act on the instructions of the licensee and any persons who have been given notice of the appointment of the administrator shall immediately grant access to the personal care home and to all possessions, assets and property that are necessary for the operation of the personal care home and the care of the residents of the personal care home.

(2) The licensee, any persons who act on the instructions of the licensee and any persons who have been given notice of the appointment of the administrator shall immediately deliver to the administrator:

(a) all real and personal property that is:

(i) owned or leased by the licensee or any partnership, firm or subsidiary corporation that is owned or controlled, directly or indirectly, by the licensee; and

(ii) used in connection with the personal care home;

(b) all books, records, documents and information of every kind relating to the personal care home; and

(c) all moneys, cheques, post-dated cheques, credit vouchers and remittances of every kind received at any time in relation to the personal care home.

(3) If any record or information relating to the personal care home is stored or otherwise contained in a computer or other electronic system of information storage, the licensee or any other person having control of the computer or system shall:

- (a) give the administrator unfettered access to the computer or system for the purpose of obtaining a full copy of the information in any form that the administrator requires; and
- (b) provide the administrator with any assistance that the administrator requires in gaining access to the information, including instruction in the use of the computer or system and provision of any access codes that may be required.

2003, c.7, s.7.

Payments to administrator by residents

14.31 If an administrator is appointed with respect to a personal care home, a resident of the personal care home shall pay to the administrator all fees and charges that are due or accruing due pursuant to the resident's agreement with the licensee.

2003, c.7, s.7.

Debts, etc., of licensee

14.4(1) Notwithstanding any other Act or law, an administrator is not liable for any debts or obligations incurred by the licensee.

(2) Without limiting the generality of subsection (1), section 2-9 of *The Saskatchewan Employment Act* does not apply to an administrator, and the vesting in an administrator of the powers of a licensee and the transfer of the operation of a personal care home to an administrator does not constitute a sale, lease, transfer or other disposition of the business of a licensee for the purposes of that section.

2003, c.7, s.7; 2013, c.S-15.1, s.10-28.

Application for directions

14.41(1) An administrator may, at any time, apply to the court for directions respecting any matter relating to the powers or duties of the administrator.

(2) Subject to subsection (3), the administrator shall cause a copy of the application to be served on the following:

- (a) the licensee;
- (b) if the owner of the personal care home is not the licensee, the owner; and
- (c) the provincial health authority.

(3) An application pursuant to subsection (1) may be made without notice if there is an imminent risk to the health, safety or well-being of the residents.

(4) Subject to subsection (5), on an application pursuant to subsection (1), the court may make any orders that it considers appropriate.

(5) No order as to costs shall be made against the administrator.

2003, c.7, s.7; 2017, cP-30.3, s.11-21; 2018, c42, s.65.

c. P-6.01**PERSONAL CARE HOMES****Exemption from certain statutory requirements**

14.5(1) Subject to subsection (2), an administrator is not required to comply with the provisions of *The Business Corporations Act*, *The Non-profit Corporations Act, 1995* or *The Co-operatives Act, 1996* that require a corporation or any director or other officer of the corporation to do any act or thing.

(2) An administrator shall comply with the requirements of any statutory provisions designated by the minister.

2003, c.7, s.7.

Expenses of administration, etc.

14.6(1) Any costs incurred by an administrator in carrying out his or her duties, including the administrator's remuneration and reimbursement for expenses, may be paid out of the following, in order of priority:

- (a) moneys derived by the administrator from the operation of the personal care home of the licensee;
- (b) moneys derived from the realization of the security furnished by the licensee;
- (c) moneys appropriated by the Legislature for that purpose.

(2) If an administrator pays any costs incurred in carrying out his or her duties out of moneys appropriated by the Legislature for that purpose, those costs are a debt due to the Crown by the licensee and may be recovered by the minister in the manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

2003, c.7, s.7.

Exemption from seizure, etc.

14.7 While the powers and duties of a licensee or the directors or officers of a licensee are vested in an administrator, all assets of the licensee that are necessary for, or are used in, the operation of the personal care home are exempt from execution, seizure and attachment.

2003, c.7, s.7.

Priority, other claims

14.8(1) All moneys derived by the administrator from the operation of the personal care home of the licensee shall be applied in payment of the costs incurred by an administrator in carrying out his or her duties, including the administrator's remuneration and reimbursement for expenses, prior to any other claims.

(2) No person with a claim against a licensee has any right to, or interest in, any moneys derived from the realization of the security furnished by the licensee or any moneys appropriated by the Legislature for the purposes of section 14.6.

2003, c.7, s.7.

Approval of accounts

14.9(1) If an administrator is winding up the operation of a personal care home, the administrator shall apply to the court for approval of the final accounts after paying or making adequate provision for all claims with respect to the operation of the personal care home.

(2) If an administrator is returning the operation of a personal care home to the licensee or transferring the operation of the personal care home to a new licensee, the administrator shall apply to the court for approval of the final accounts after paying or making adequate provision for all claims with respect to the operation of the personal care home during the period of the administrator's appointment.

(3) If the court approves the final accounts rendered by an administrator pursuant to subsection (1) or (2), the court shall:

- (a) issue directions with respect to the custody or disposal of the documents and records respecting the personal care home and the residents of the personal care home; and
- (b) discharge the administrator.

2003, c.7, s.7.

Limitation period

15 No prosecution for an offence pursuant to this Act is to be commenced after the expiration of two years from the date of commission of the alleged offence.

1989-90, c.P-6.01, s.15.

No action against department, etc.

16 No action lies or shall be instituted against the minister, the department, an administrator, a peace officer or any officer or employee of the department or agent of the minister, where the minister, department, administrator, peace officer, officer, employee or agent is acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

1989-90, c.P-6.01, s.16; 2003, c.7, s.8.

Agreements

17 The minister, for any purpose relating to the administration of this Act, and on any terms and conditions that the minister may prescribe, may enter into agreements with any person, agency, organization, association, institution or other body inside or outside Saskatchewan.

1989-90, c.P-6.01, s.17.

c. P-6.01**PERSONAL CARE HOMES****Minister may waive or exempt**

18 Where the minister considers it appropriate to do so, he or she may:

- (a) waive the requirements of section 3; or
- (b) exempt any personal care home or any person from any requirement contained in the regulations.

1989-90, c.P-6.01, s.18.

Regulations

19 The Lieutenant Governor in Council may make regulations:

- (a) classifying personal care homes for the purpose of the regulations;
 - (a.1) authorizing the publication of, or the provision of public access to, information respecting inspections of personal care homes, including the contents of an inspection report and information respecting a licensee's compliance or non-compliance with any Act or regulation;
 - (a.2) prescribing the period within which the information mentioned in clause (a.1) may be published or public access may be given;
 - (a.3) governing the manner of publication or provision of public access to the information mentioned in clause (a.1);
- (b) establishing standards for the construction, operation and maintenance of personal care homes;
- (c) designating any facility for the purposes of subclause 2(e)(ix);
- (d) respecting the eligibility of, and criteria to be met by, applicants for licences;
- (e) respecting the terms and conditions to be contained in licences;
 - (e.1) for the purposes of subsection 8.1(3), prescribing categories of existing personal care homes and requiring the licensees of personal care homes in those categories, on and from a prescribed date, to provide a bond or other security;
 - (e.2) prescribing and governing the form and amount of a bond or other security to be provided pursuant to section 8.1;
 - (e.3) governing recourse to a security in any form other than a bond;
- (f) respecting eligibility for residence in personal care homes;
- (g) respecting the accommodation, services and programs to be made available to residents of personal care homes;
- (h) respecting the number of individuals who may reside in a personal care home;
- (i) respecting the personnel requirements for personal care homes and qualifications of persons who operate or provide services in personal care homes;

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- (j) establishing and protecting the rights and privileges of persons who reside in personal care homes;
- (k) respecting the records to be kept by persons who operate personal care homes;
- (l) respecting the confidentiality of information concerning personal care homes and operators of personal care homes;
- (m) respecting agreements between persons who operate personal care homes and residents of personal care homes;
- (n) establishing standards respecting fire protection;
- (o) establishing application fees for licences;
- (p) defining, enlarging or restricting any term or expression used in this Act but not defined in this Act;
- (p.1) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (q) respecting any other matter that the Lieutenant Governor in Council considers necessary to carry out this Act according to its intent.

1989-90, c.P-6.01, s.19; 2003, c.7, s.9; 2014, c.5, s.2.

Penalty

20 Every person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of:

- (a) in the case of an individual, not more than \$1,000, and to a further fine of not more than \$200 for each day during which the offence continues; and
- (b) in the case of a corporation, not more than \$5,000, and to a further fine of not more than \$1,000 for each day during which the offence continues.

1989-90, c.P-6.01, s.20.

