



Province of Alberta

SUPPORTIVE LIVING ACCOMMODATION LICENSING ACT

Statutes of Alberta, 2009
Chapter S-23.5

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Supportive Living Accommodation Licensing Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Supportive Living Accommodation Licensing Act		
Supportive Living Accommodation Licensing	40/2010	70/2010, 7/2017

SUPPORTIVE LIVING ACCOMMODATION LICENSING ACT

Chapter S-23.5

Table of Contents

1	Definitions
2	Application
3	Licence required
4	Application for licence
5	Designation of director
6	Inspectors
7	Inspections
8	Order after inspection
9	Complaints officers
10	Complaints
11	Investigators
12	Investigations
13	Collection, use and disclosure of information
14	Notification of authorities
15	Cancellation of licence
16	Issue of stop order
17	Court order
18	Appeal
19	Notification
20	Appeal
21	Service of notice or order
22	Offences
23	Protection from liability
24	Regulations
26	Consequential amendments
27	Coming into force

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

Definitions

1 In this Act,

- (a) “Court” means the Court of Queen’s Bench;
- (b) “director” means the director designated under section 5;
- (c) “legal representative” means a guardian or surrogate decision-maker pursuant to a court order;
- (d) “licence” means a licence for a supportive living accommodation;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “operator” means a person who provides supportive living accommodation as described in section 2;
- (g) “supportive living accommodation” means buildings or units in buildings that are intended for permanent residential living where an operator also provides or arranges for services in order to assist residents to live as independently as possible.

Application

2(1) This Act applies to supportive living accommodation provided by an operator where

- (a) the supportive living accommodation is provided to 4 or more adults who are not related to the operator,
- (b) the operator provides or arranges for services related to safety and security for the persons referred to in clause (a) in accordance with the standards set out or adopted in the regulations, and
- (c) the operator provides, offers or arranges for
 - (i) at least one meal per day, or
 - (ii) housekeeping services,for the persons referred to in clause (a).

(2) This Act does not apply to

- (a) a nursing home under the *Nursing Homes Act*,

- (b) an approved hospital or an auxiliary hospital under the *Hospitals Act*,
- (c) a hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons, or
- (d) a class, type or category of supportive living accommodation designated as exempt in accordance with the regulations.

2009 cS-23.5 s2;2013 cS-19.3 s25

Licence required

3(1) An operator must hold a subsisting licence for each location at which the operator provides supportive living accommodation as set out in section 2(1).

(2) An operator shall comply with the conditions of the licence issued to the operator.

(3) Unless the director permits otherwise, an operator shall post the licence issued to the operator in a prominent place in the supportive living accommodation to which it pertains.

(4) If the director has given permission under subsection (3) to dispense with posting a licence, the operator shall keep the licence in a place in the supportive living accommodation to which it pertains where it is available and accessible for viewing.

(5) A licence is not transferable.

Application for licence

4(1) Subject to subsection (2), a person may apply to the director in accordance with the regulations for a licence or for the renewal of a licence.

(2) A person who

- (a) has been refused a licence or a renewal of a licence under subsection (3)(b),
- (b) has had a licence cancelled under section 15(1), or
- (c) has failed to comply with a stop order issued under section 16(1),

is ineligible, for a period of 2 years after the date of the refusal, cancellation or failure to comply,

- (d) to apply for a licence or a renewal of a licence in respect of the supportive living accommodation that was the subject of the refusal, cancellation or failure to comply, and
 - (e) to apply for a licence for a supportive living accommodation that has not previously been licensed.
- (3) Subject to the regulations, the director may, in the director's discretion, in respect of an application under subsection (1),
- (a) issue or renew a licence for a term of up to 3 years, with or without conditions, or
 - (b) refuse to issue or to renew a licence.
- (4) If the director refuses to issue or to renew a licence, the director shall at that time provide to the applicant written reasons for the refusal.
- (5) The written reasons referred to in subsection (4) must include information respecting the applicant's right to appeal the director's refusal in accordance with section 20.

Designation of director

- 5(1) The Minister may designate a director for the purposes of this Act.
- (2) The director designated under subsection (1) may delegate to any person any of the duties imposed or powers conferred on the director under this Act, including the power to form an opinion.
- (3) The director has all the powers of an inspector, a complaints officer and an investigator under this Act.

Inspectors

- 6 The Minister may designate one or more persons as inspectors for the purposes of this Act.

Inspections

- 7(1) Subject to subsection (2), at the request of the director, for the purposes of ensuring compliance with this Act, the regulations, an order issued under this Act or a condition of a licence, an inspector may, with the permission of the operator of a supportive living accommodation,

- (a) at any reasonable hour enter the supportive living accommodation and inspect that supportive living accommodation;
 - (b) require the production of any books, records or other documents in respect of the supportive living accommodation or place and examine them, make copies of them or remove them temporarily for the purpose of making copies;
 - (c) inspect and take samples of any material, food or equipment being used in the supportive living accommodation;
 - (d) perform tests, take photographs or make recordings in respect of the supportive living accommodation;
 - (e) interview the operator of the supportive living accommodation with respect to matters relevant to the inspection.
- (2)** An inspector may enter the supportive living accommodation of a particular resident only with the permission of that resident or that resident's legal representative.
- (3)** An inspector may interview employees and residents of the supportive living accommodation, relatives of residents, legal representatives of residents and any other person who may have information relevant to the inspection.
- (4)** When an inspector removes any books, records or other documents under subsection (1)(b), the inspector shall
- (a) give a receipt for those items to the person from whom those items were taken, and
 - (b) forthwith return the items to the person from whom they were taken when they have served the purposes for which they were taken.
- (5)** When an inspector takes samples of any material, food or equipment under subsection (1)(c), the inspector shall
- (a) give a receipt for those items to the person from whom those items were taken, and
 - (b) on that person's request, return those items to that person when those items have served the purposes for which they were taken.

(6) An operator shall provide on request a complete list of names and contact information of residents of the supportive living accommodation, including the names and contact information of each resident's legal representative, if any, to the inspector.

(7) If permission is refused or cannot be reasonably obtained under subsection (1) or if anyone prevents an inspector from exercising powers under subsection (1) or obstructs or hinders the inspector in the exercise of those powers, a judge of the Court of Queen's Bench may on the application of the inspector make any order that the judge considers necessary to permit the inspector to conduct an inspection or exercise those powers.

(8) An application under subsection (7) may be made *ex parte* if the Court considers it appropriate in the circumstances.

(9) The inspector shall inform the operator and the director of the results of an inspection of the operator's supportive living accommodation.

Order after inspection

8(1) Where, after a supportive living accommodation has been inspected, the director is of the opinion that this Act, the regulations, an order issued under this Act or a condition of a licence is not being complied with, the director may in writing

- (a) order the operator of the supportive living accommodation to take the measures specified in the order within the time limits specified in the order,
- (b) issue a stop order in accordance with section 16, or
- (c) cancel the licence issued to the operator in respect of that supportive living accommodation in accordance with section 15.

(2) The director may direct that an order issued under subsection (1)(a) be posted in a prominent place in the supportive living accommodation.

Complaints officers

9(1) The Minister may designate one or more persons as complaints officers for the purposes of this Act.

(2) For the purposes of section 10(2)(a), a complaints officer has all the powers of an inspector or an investigator under this Act.

Complaints

10(1) A person who has reason to believe that an operator has failed to comply with this Act, the regulations, an order issued under this Act or a condition of a licence may make a complaint to a complaints officer in the manner determined by the director.

(2) A complaints officer shall

- (a) review any complaint received under subsection (1) to decide whether an investigation of the complaint is necessary, and for that purpose may
 - (i) make inquiries, and
 - (ii) take any other action the complaints officer considers appropriate in the circumstances, including, without limitation, attempting to resolve the complaint through mediation or conciliation and notifying the director of an offence under this Act,

and

- (b) if the complaints officer decides that an investigation of the complaint is necessary, refer the complaint to an investigator.

(3) A complaints officer may refuse to refer a complaint to an investigator if

- (a) the complaints officer considers the complaint to be frivolous or vexatious, or
- (b) the complaints officer has resolved the complaint under subsection (2)(a)(ii).

(4) A complaints officer shall inform the complainant, if the identity of the complainant is known, and any other person the complaints officer considers appropriate of a decision made under subsection (3).

(5) The decision of a complaints officer under subsection (3) may be appealed to the director in accordance with the regulations.

Investigators

11 The Minister may designate one or more persons as investigators for the purposes of this Act.

Investigations

12(1) When a complaint is referred to an investigator under section 10(2)(b), the investigator, for the purposes of investigating the complaint, has all the powers of an inspector under section 7 in addition to the powers set out in section 13.

(2) An investigator shall inform the operator and the director of the results of an investigation of the operator's supportive living accommodation.

(3) The director shall notify the complainant, if the identity of the complainant is known, the operator of the supportive living accommodation and any other person the director considers appropriate of the results of an investigation of the supportive living accommodation, including whether the complaint was founded or not founded.

(4) Where, after a supportive living accommodation has been investigated, the director is of the opinion that this Act, the regulations, an order issued under this Act or a condition of a licence is not being complied with, the director may in writing

- (a) order the operator of the supportive living accommodation to take the measures specified in the order within the time limits specified in the order,
- (b) issue a stop order in accordance with section 16, or
- (c) cancel the licence issued to the operator in respect of that supportive living accommodation in accordance with section 15.

(5) The director may direct that an order issued under subsection (4)(a) be posted in a prominent place in the supportive living accommodation.

Collection, use and disclosure of information

13(1) An investigator or an inspector

- (a) may collect and use personal information for the purposes of conducting an investigation or an inspection, and
- (b) shall not disclose any personal information collected under this section except as provided in this section.

(2) An investigator or an inspector may use or disclose personal information

- (a) if the use or disclosure is necessary for the purposes of section 7 or 12, including making an application to the Court under section 7(6), or
- (b) if the disclosure is authorized or required under the *Freedom of Information and Protection of Privacy Act* or another enactment.

Notification of authorities

14(1) If the director reasonably believes that the subject-matter of a complaint could constitute

- (a) an offence under the *Criminal Code* (Canada), the director shall refer the complaint to a police service,
- (b) abuse against a person under the *Protection for Persons in Care Act*, the director shall refer the complaint to the Minister responsible for that Act, or
- (c) an offence under a statute or regulation of Alberta, the director shall refer the complaint to the Minister of Justice and Solicitor General.

(2) The director may, when referring a complaint under subsection (1), disclose information that the director reasonably believes relates to the possible offence or abuse.

2009 cS-23.5 s14;2013 c10 s34

Cancellation of licence

15(1) When the director is of the opinion, as the result of an inspection or investigation, that an operator has not complied with

- (a) this Act or the regulations,
- (b) a condition of a licence, or
- (c) an order issued under section 8 or 12,

the director may, on 45 days' notice in writing to the operator, cancel the licence in respect of that supportive living accommodation.

(2) A notice to an operator under subsection (1) must inform the operator of the right to appeal the cancellation in accordance with section 20.

(3) When a notice has been given under subsection (1), the director shall post a notice of the cancellation of the licence in a prominent place in the supportive living accommodation.

Issue of stop order

16(1) If the director is of the opinion as the result of an inspection or investigation that an operator has contravened or is contravening this Act, a regulation, a condition of a licence or an order issued under this Act, the director may issue a stop order to the operator in accordance with subsection (2).

(2) In a stop order the director may require that the operator to whom it is directed do one or more of the following, either permanently or for a specified period:

- (a) cease the contravention specified in the stop order;
- (b) stop any activity occurring at a supportive living accommodation specified in the stop order;
- (c) stop operating the supportive living accommodation specified in the stop order.

(3) A stop order must contain the reasons for making it.

(4) Not more than 48 hours after issuing a stop order, the director shall cause a copy of it to be served on the operator to whom it is directed, and on receipt of the copy, the operator to whom the stop order is directed shall comply with the order forthwith.

(5) An operator to whom a stop order is directed who fails to comply with the stop order forthwith on service of a copy of it on the operator or subsequently is guilty of an offence and liable to a fine in accordance with section 22.

(6) A stop order served on an operator under this section must inform the operator of the right to appeal the stop order in accordance with section 18.

(7) When a stop order has been issued to an operator, the director shall post the stop order in a prominent place in the supportive living accommodation.

Court order

17(1) If the operator to whom a stop order is directed fails to comply with the stop order forthwith on service of a copy of it on the operator or subsequently, the director may, notwithstanding that the operator has filed an application under section 18, apply to the Court of Queen's Bench for an order of the Court directing

- (a) the operator to comply with the stop order,

- (b) any peace officer to assist the director and other persons referred to in subsection (2)(b) in enforcing their powers and performing their duties under subsection (2)(b), and
- (c) any other relief in respect of matters coming under this Act that the Court considers appropriate in the circumstances.

(2) If the operator to whom a stop order is directed fails to comply with the stop order forthwith on service of a copy of the order of the Court of Queen's Bench under subsection (1) on the operator or subsequently,

- (a) the failure to comply with the stop order may be dealt with by the Court as a civil contempt of the Court,
- (b) any person authorized by the director for the purpose and any other persons assisting that person may, without further permission of the Court and without incurring liability for it, enter the supportive living accommodation and take any actions that are necessary to carry out the stop order, and
- (c) the director may recover by action any expenses incurred under clause (b) in carrying out the stop order from the operator to whom the stop order is directed.

2009 cS-23.5 s17;2014 c13 s49

Appeal

18(1) An operator to whom a stop order is directed may appeal to the Court of Queen's Bench by

- (a) filing an application with the clerk of the Court, and
- (b) serving a copy of the application on the director,

within 15 days from the date on which a copy of the stop order was served on the operator.

(2) A stop order remains in effect unless the Court orders that it be stayed pending the disposition of the appeal.

(3) A judge of the Court of Queen's Bench may extend the time for filing or service under subsection (1).

(4) On an appeal under this section, the Court of Queen's Bench

- (a) shall inquire into all matters leading to the issuing of the stop order,
- (b) shall determine whether, in its opinion, there were sufficient grounds for the issuing of the stop order,

- (c) shall confirm, vary or revoke the stop order, and
- (d) may make any other order in respect of matters coming under this Act that the Court considers appropriate in the circumstances, including issuing an order under section 17(1).

(5) This section and section 17 apply to a stop order issued under section 16 whether or not the contravention of this Act or the regulation or order concerned constitutes an offence and whether or not a conviction has been adjudged for the offence.

Notification

19(1) On receiving a copy of a stop order under section 16 or a notice cancelling a licence under section 15(1), the operator shall forthwith provide to the director a list of

- (a) the names and contact information of residents in the supportive living accommodation, and
- (b) the names and contact information of the legal representatives, if any, of the residents in the supportive living accommodation.

(2) On receiving the list referred to in subsection (1), the director shall notify in writing the persons on the list respecting the cancellation or stop order, as the case may be.

Appeal

20(1) A person

- (a) who has been refused a licence or renewal of a licence under section 4(3), or
- (b) whose licence has been cancelled,

may appeal the refusal or cancellation by serving the Minister with a notice of appeal in the prescribed form within 15 days after being notified in writing of the refusal or cancellation.

(2) The Minister shall, within 30 days after being served with the notice of appeal, appoint an appeal panel consisting of 3 individuals to hear the appeal.

(3) The Minister shall designate one of the members of the appeal panel as chair.

- (4) The Minister may set the time within which the appeal panel is to hear an appeal and render a decision and the Minister may extend that time.
- (5) An appeal panel that hears an appeal under this section may by order
- (a) confirm the refusal or cancellation,
 - (b) direct that a licence or renewal of a licence be issued, or
 - (c) reinstate a cancelled licence.
- (6) Members of the appeal panel who are not employees of the Government may be paid remuneration, and may receive reasonable travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the appeal panel, at the rates prescribed by the Minister.
- (7) A decision of the appeal panel under this section is final and binding and may not be appealed.

Service of notice or order

21 When an order is issued under section 8 or 12, a notice is given under section 15(1) or an order is issued by an appeal panel under section 20, that order or notice, as the case may be, may be served

- (a) by personal service,
- (b) by any form of mail that requires a receipt in acknowledgment of delivery if the post office receipt is signed by the person to whom the notice or order is directed or by a person on behalf of that person, or
- (c) in any manner that may be directed by the Court.

Offences

22(1) A person who contravenes this Act or the regulations or fails to comply with an order issued under this Act or the regulations is guilty of an offence and liable to a fine of not more than \$100 000 and, in the case of a continuing offence, to a further fine of not more than \$1000 per day for each day or part of a day that the contravention or failure to comply continues after the first day.

(2) No prosecution may be commenced under this section later than 2 years following the date on which the subject-matter of the prosecution first came to the knowledge of the Minister.

Protection from liability

23 No action lies against the Minister, the director, a complaints officer, an investigator or an inspector, or anyone acting under the authority of any of them, for anything done or omitted to be done in good faith in exercising powers or authority or carrying out duties, responsibilities or functions under this Act.

Regulations

24(1) The Lieutenant Governor in Council may make regulations

- (a) designating classes, types or categories of supportive living accommodation as exempt from some or all of the provisions of this Act;
- (b) establishing criteria for the exemption of a class, type or category of supportive living accommodation for the purposes of clause (a);
- (c) respecting any other matter that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) The Minister may make regulations

- (a) governing the licensing of supportive living accommodations, including, without limitation, the information that must appear on the licence, the application process and other requirements;
- (b) respecting the operation of supportive living accommodations;
- (c) respecting standards, including the adoption of applicable standards made by another authority, for supportive living accommodations;
- (d) respecting the establishment of alternative standards for a class, type or category of supportive living accommodation, including the circumstances in which alternative standards may be appropriate, whether the alternative standards apply temporarily or permanently, and the process by which an operator may be authorized to comply with the alternative standards;

- (e) respecting records and other documents that an operator is required to create and maintain for the purposes of this Act;
- (f) respecting providing information to the public regarding the status of supportive living accommodations that are subject to this Act;
- (g) respecting the employment of persons in supportive living accommodations and the qualifications that must be met by those persons;
- (h) respecting the procedure for an appeal from the decision of a complaints officer under section 10(3);
- (i) prescribing forms for the purposes of this Act;
- (j) repealed 2013 cS-19.3 s25;
- (k) defining terms used but not defined in this Act.

2009 cS-23.5 s24;2013 cS-19.3 s25

25 Repealed 2013 cS-19.3 s25.

26 *(This section amends other Acts; the amendments have been incorporated into those Acts.)*

Coming into force

27 This Act comes into force on Proclamation.

(NOTE: Proclaimed in force April 1, 2010.)



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