

STATUTES  
OF THE  
PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Twenty-First Year of the Reign of His  
Majesty KING GEORGE V

Being the Second Session of the Eighteenth  
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE TWELFTH DAY OF FEBRUARY  
IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED  
AND THIRY-ONE



ONTARIO

HIS HONOUR WILLIAM DONALD ROSS  
LIEUTENANT-GOVERNOR

TORONTO

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1931

## An Act respecting Sanatoria for Consumptives.

*Assented to April 2nd, 1931.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## PART I.

## INTERPRETATION, ETC.

- Short title.     **1.** This Act may be cited as *The Sanatoria for Consumptives Act, 1931.*
- Interpreta-     **2.** In this Act,—
- tion.
- "Associa-     (a) "Association" shall mean and include any associa-  
tion."         tion, body or organization howsoever incorporated,  
authorized or empowered for the purpose of estab-  
lishing, maintaining or operating a sanatorium;
- "Board."       (b) "Board" shall mean a board of trustees, directors,  
commission or other governing body or authority  
of a sanatorium;
- "Depen-       (c) "Dependant" shall mean and include a patient for  
dant."         the charges for whose treatment some other person  
is liable in law;
- "Depart-       (d) "Department" shall mean the Department of  
ment."         Health for Ontario;
- "Inspector."   (e) "Inspector" shall mean an officer of the Department  
designated under this Act as an inspector;
- "Minister."   (f) "Minister" shall mean the member of the Executive  
Council charged for the time being with the  
administration of this Act;
- "Municipa-     (g) "Municipality" shall mean a city, separated town  
pality."       or county, except that in a territorial district it  
shall mean a city, town, village or township;
- "Patient."     (h) "Patient" shall mean a person admitted to a sana-  
torium for the purpose of treatment;

- (i) "Preventorium" shall mean a sanatorium for treatment of patients who may not be infected with tuberculosis but who are suspected as being infected with or are considered likely to become infected with tuberculosis or who have been exposed to infection from tuberculosis; <sup>"Preventorium."</sup>
- (j) "Provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature; <sup>"Provincial aid."</sup>
- (k) "Regulations" shall mean regulations made under this Act; <sup>"Regulations."</sup>
- (l) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the five months next prior to admission to a sanatorium; <sup>"Resident."</sup>
- (m) "Sanatorium" shall mean and include any sanatorium, preventorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients; <sup>"Sanatorium."</sup>
- (n) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a sanatorium; <sup>"Superintendent."</sup>
- (o) "Territorial district" shall mean any of the territorial districts set forth in *The Territorial Division Act*; <sup>"Territorial district."</sup>
- (p) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment, preventive or otherwise, of a patient who is infected or suspected of being infected or who is considered likely to become infected with tuberculosis, or who has been exposed to infection from tuberculosis; <sup>"Treatment."</sup>
- (q) "Unorganized territory" shall mean that part of a territorial district which is without municipal organization. <sup>"Unorganized territory."</sup>

## PART II.

### DEPARTMENTAL CONTROL.

3.—(1) The several institutions with their respective properties and appurtenances which under *The Sanatoria for Consumptives Act* received aid for the year 1930 from the Province of Ontario shall for the purposes of this Act be deemed to be sanatoria, as if the same had been approved under this Act. <sup>Sanatoria aided in 1930 approved.</sup>

(i)

(2)

New sanatoria to be approved.

(2) No institution, building or other premises or place shall hereafter be created, established, incorporated, operated or used as a sanatorium until the same has been approved by the Lieutenant-Governor in Council.

Suspension or revocation of approval.

(3) Any approval given or deemed to have been given under this Act in respect of any sanatorium may be suspended by the Minister or revoked by the Lieutenant-Governor in Council.

Regulations for sanatoria.

4. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria as may be deemed necessary for,—

Creation, construction, etc.

(a) their creation, establishment, construction, alteration, equipment, maintenance and repair;

Classification, etc.

(b) their classification, grades and standards;

Inspection, operation, etc.

(c) their inspection, control, government, management, conduct, operation and use;

Staffs, etc.

(d) their inspectors, superintendents, staffs, officers, servants and employees and the powers and duties thereof;

Patients, etc.

(e) the admission, treatment, conduct and discharge of patients;

Rates, etc.

(f) the classification, length of stay, rates and charges of and for patients;

Accounting, etc.

(g) the records, books, accounting system, reports and returns to be made and kept by sanatoria;

Provincial aid.

(h) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and

General.

(i) all other matters affecting sanatoria.

Enforcement of Act.

5. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act, and the regulations. And the Department may, from time to time, declare all or any of the regulations to be in force with respect to all sanatoria or any specified sanatorium or sanatoria for such time or times as the Department may deem expedient.

Inspectors.

6. The Minister, with the approval of the Lieutenant-Governor in Council may designate one or more officers of

the

the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be prescribed by the regulations.

7. Every sanatorium approved or deemed to be approved under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Powers of sanatorium.

PART III.

MUNICIPAL SANATORIA.

8. Subject to the provisions of this Act, any municipal corporation, including a county, or, jointly, any two or more such municipal corporations, may establish a sanatorium, and may for that purpose acquire land and erect and equip buildings thereon and do such other things as may be necessary or incidental to the establishment, completion, maintenance and operation of a sanatorium, and the carrying out of the provisions of this Act and the regulations.

Establishment of municipal sanatorium.

9. When two or more municipal corporations propose jointly to establish a sanatorium the councils of such corporations shall provisionally agree upon the proposal respecting the same.

Provisional agreement for joint sanatorium.

10. Any municipal corporation or corporations which propose to establish a sanatorium shall submit the proposals to the Department and therewith shall also submit such provisional by-laws, agreements, plans, estimates and other material and information as may be required by the regulations.

Submission of proposals to Department.

11. If the site for a proposed sanatorium is situate elsewhere in Ontario than in the municipality or in one of the municipalities, the corporation of which is proposing or is a party to proposing its establishment, the Department shall, upon the proposals being submitted to it, notify in writing the head of the municipality in which the site is situate of the proposals made, and the council of such municipality, shall within one month after receipt of such notice, state in writing to the Department, the objections, if any, which it may have to the establishment of a sanatorium on such site, but no such objection shall necessarily prevent approval being given hereunder.

Site in another municipality.

Approval by Order-in-Council. **12.** The Minister shall submit the proposals, with any report thereon which he may see fit to make, to the Lieutenant-Governor in Council, and upon the same being approved, either as submitted or as modified or altered in any way by the Lieutenant-Governor in Council, such approval shall, subject as hereinafter provided, be sufficient authority for the municipal corporation or corporations to establish a sanatorium in accordance therewith.

Procedure for establishment, by-laws, etc. **13.** When by approval of the Lieutenant-Governor in Council a municipal corporation is, or, jointly, two or more municipal corporations are authorized to establish a sanatorium, the council or councils of such corporation or corporations, as the case may be, may with the assent of the electors of such municipality or municipalities qualified to vote on money by-laws, pass all by-laws necessary to establish, erect, complete and equip the sanatorium and to issue debentures to pay for the cost thereof and where, jointly, two or more municipal corporations are establishing the sanatorium to enter into an agreement respecting the same according to form approved by the Lieutenant-Governor in Council.

County sanatorium. **14.** Where the municipal corporation authorized by the approval of the Lieutenant-Governor in Council, either alone or jointly with another municipal corporation, to establish a sanatorium is a county, it shall not be necessary that any by-laws passed by the council of such county, under section 13, shall be assented to by the electors qualified to vote on money by-laws if such by-laws are passed with the vote of two-thirds of all the members of the county council.

Rev. Stat., c. 253, to apply. **15.** Subject as otherwise herein provided, the provisions of *The Municipal Act* shall apply to all by-laws passed and to all debentures issued by a municipal corporation under this Act.

Improvements for sanatorium. **16.** When it is proposed by a municipal corporation, which has or by two or more municipal corporations which, jointly, have established a sanatorium, to make any extensions, additions, or structural alterations or improvements to such sanatorium, or to erect any new buildings in connection therewith, the powers and proceedings with respect to such proposals and obtaining approval thereof, and to the passing of by-laws, issue of debentures and entering into of agreements, shall be the same as for the establishment of a sanatorium.

Board of management. **17.** When a municipal corporation has, or, jointly, two or more municipal corporations have established a sanatorium the management and control over the same, and its erection, equipment,

equipment, maintenance, operation, use and affairs generally shall be vested in a board composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or in case of the establishment of a sanatorium, jointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same.

18. The qualifications of the trustees forming the board, <sup>Trustees.</sup> their term of office, which shall not exceed five years, the quorum of their meetings and the manner of appointment of successors and of filling vacancies in the office of trustees shall be provided for in such by-law or agreement; and the trustees appointed shall hold office until their successors are appointed.

19. The Board of trustees of a sanatorium shall be a <sup>Corporate body.</sup> corporation under such name as may be designated in the approval given by the Lieutenant-Governor in Council for its establishment.

20. The board shall of its members elect yearly one of <sup>Chairman.</sup> them to be its chairman to hold office for one year, or until his successor is appointed; and a vice-chairman may also similarly be elected.

21. With the approval of the Lieutenant-Governor in <sup>Agreements with associations.</sup> Council, an association which has authority to establish, maintain and operate a sanatorium may enter into an agreement with one or more municipal corporations, including a county or counties, respecting the establishment of such sanatorium or with respect to providing in whole or in part the cost of erecting, equipping, improving, enlarging, extending or altering a sanatorium established by the association, but no by-law of a municipal corporation for the purpose of providing any such cost, by the issue of debentures or otherwise, shall be passed otherwise than in accordance with the provisions of sections 13 or 14 in respect to by-laws passed thereunder.

PART V.

ALL SANATORIA.

22. The provisions of this Part shall apply to all sanatoria <sup>Application of Part.</sup> whether established by municipal corporations or associations.

23. Subject as in this Act and the regulations provided, <sup>Powers of Board.</sup> or in any agreement entered into under the provisions of this Act stipulated, it shall be the duty of the board of a sanatorium, and it shall have power to govern, manage and

control

control its affairs, and its maintenance, operations and use, and the admission, treatment, conduct, discipline and discharge of patients therein, and for such purposes the board may pass by-laws, rules and regulations, but no such by-law, rule or regulation shall have force or effect until the same is approved by the Lieutenant-Governor in council.

Appoint-  
ment of staff.

**24.** Subject to the regulations, the board may appoint such superintendents, officers, staffs, employees, and servants of a sanatorium as from time to time may be necessary and fix their salaries and prescribe their powers and duties.

Powers of  
expropria-  
tion.

Rev. Stat.,  
c. 233.

**25.** With the approval of the Lieutenant-Governor in Council, the board may pass by-laws for expropriating any land adjacent to or in the vicinity of a sanatorium, which may be deemed requisite for or advantageous to its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers so far as the same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality; provided, however, that the board of a sanatorium which has been established by a municipal corporation or corporations, shall not exercise any such power of expropriation without the consent first obtained of the council or councils of such corporation or corporations.

Exemption  
from  
taxation.

**26.** The real property acquired and used for the purpose of and in connection with a sanatorium shall be exempt from all municipal or other taxation, including taxation for school purposes, except and excluding however, any municipal tax or rate imposed in respect to any public utility supplied to a sanatorium.

Sale, etc.,  
to be  
approved.

**27.** No part of any property acquired or used for the purposes of a sanatorium shall be sold, leased, mortgaged, or otherwise disposed of without the approval of the Lieutenant-Governor in Council.

Protection  
from  
adverse  
expropria-  
tion.

**28.** No part of any property acquired or used for the purposes of a sanatorium shall be expropriated by any corporation or person having powers of expropriation under any Act, without the approval of the Lieutenant-Governor in Council.

Saving as to  
highway  
widening.

**29.** Nothing in sections 27 and 28 contained, shall apply to or prevent the sale, disposition or expropriation of any part of the property acquired or used for the purposes of a

sanatorium



sanatorium if the same is required in the widening of any highway, if the Minister has first approved thereof.

**30.** The board may accept from any person donations of property, real or personal, and whether by will or otherwise, for the endowment, use or benefit of a sanatorium and subject to the terms of the donation may apply the same for such purposes. Donations.

**31.** No sanatorium which has been approved and established may permanently be closed without the approval of the Lieutenant-Governor in Council, and when any sanatorium is closed or proposed to be closed permanently, the Lieutenant-Governor in Council may make such provision for the sale or other disposition of the sanatorium and all the properties and assets thereof, and for the application of any proceeds of such sale or disposition and otherwise in every respect, as he may deem proper. Approval for closing sanatorium.

**32.** Subject to the provisions of any existing agreement relating thereto, every sanatorium receiving provincial aid shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations. Medical students' clinics.

**33.** Except as may otherwise be provided in this Act, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment. Sanatorium to admit patients.

**34.** A preventorium, however, shall not be required to admit as a patient any person who is actually infected with tuberculosis. Admissions to preventorium.

**35.** Except as may otherwise be provided in this Act or in the agreement, no sanatorium established by an association which has entered into an agreement with a municipal corporation under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person resident in such municipality and requiring treatment. Admissions to association sanatorium.

**36.** Nothing in this Act contained shall require that any sanatorium admit or retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or regulations made thereunder requires quarantine and placarding. Refusal of communicable disease cases.

**37.** Nothing in this Act contained shall unless by refusal of admission, life would thereby be endangered, require that any sanatorium admit as a patient any person who is not a resident or a dependant of a resident in Ontario. Refusal of non-residents.

## PART VI.

## MUNICIPAL LIABILITY.

Municipal liability for indigent patients.

**38.**—(1) Subject as in this Act may otherwise be provided, when any patient in a sanatorium is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the sanatorium for payment of the charges for treatment of such patient at a rate not exceeding \$1.50 per day.

Relief of certain municipalities.

(2) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality in a territorial district, other than a city, the Lieutenant-Governor in Council upon the recommendation of the Minister may make special grants by way of provincial aid to relieve in whole or in part such municipality from the burden.

Liability for non-residents may be assumed.

**39.** A municipality may pay to a sanatorium the charges for treatment of a patient notwithstanding that such patient was not a resident in such municipality at the time of admission to such sanatorium.

Burial expenses.

**40.**—(1) In the event of the death in a sanatorium of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding \$30.

Contribution to Last Post Fund.

(2) If such deceased patient was a member of His Majesty's military or naval forces in active service during the Great War, 1914–1918, and the burial was provided by and paid for from the Last Post Fund, the said municipality shall pay the expenses of such burial, but not exceeding the sum of \$30 to the Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said fund.

Notice of admission to municipality.

**41.** Upon admission or after admission to a sanatorium of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person, the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

**42.** Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided in this Act. Notice disputing liability.

**43.** The clerk of a municipality when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient. Information to be furnished.

**44.** For the purpose of this Act, no patient shall be deemed to be a resident in a municipality,— Cases where residence not presumed.

(a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a sanatorium in such municipality; or Persons seeking medical aid.

(b) if the municipality is in a territorial district, and such patient being infected or likely or suspected of being infected with tuberculosis has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium; but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or Health seekers in the districts.

(c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, or other seminary of learning therein and at the time he became such a pupil was not a resident therein; but in such cases the patient shall for the purposes of this Act, be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or Pupils.

(d) by reason of having been a patient or an inmate of a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein; but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such an inmate or patient. Institutional inmates.

County's  
right to  
contribution.

45. The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a sanatorium of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission.

Residence of  
dependant.

46. A dependant of an indigent person shall for the purposes of this Act be deemed to be a resident in that municipality in which such indigent person is resident.

Statements  
of account  
to be  
rendered.

47. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the sanatorium to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Municipal  
recourse  
against  
patient.

48. Upon payment by a municipality of any account rendered to it by a sanatorium for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Municipal  
recourse  
against  
proper municipality.

49. Upon payment by a municipality to a sanatorium of any account for treatment of a patient or upon payment of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in such municipality and it being ascertained that such patient was not a resident therein but at the time of admission to the sanatorium was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 48.

Workmen's  
Compensation  
Board  
cases.

50. Nothing in this Act contained shall render a municipality liable for payment of the charges for treatment of a patient where such charges are payable by the Workmen's Compensation Board or an employer under *The Workmen's Compensation Act*.

PART VII.

PROVINCIAL AID.

51.—(1) Subject to the provisions of this Act and of the regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature,—

(a) for treatment of every patient who is an indigent person or the dependant of an indigent person, at the rate of seventy-five cents per day for every day that such patient is receiving treatment in a sanatorium; Indigent rate of aid.

(b) for treatment of every patient who is an indigent person or the dependant of an indigent person and who has actually resided in unorganized territory for the period of three months within the five months next prior to admission to a sanatorium at the rate of \$2.25 per day for every day that such patient is receiving treatment in the sanatorium. Indigent rate of aid for unorganized territory.

(2) In calculating the amount of provincial aid the day of departure of a patient shall not be included.

(3) Except as otherwise provided in this Act, no provincial aid shall be granted to any sanatorium in respect of a patient therein, if the charges received by the sanatorium in respect to such patient exceed \$1.50 per day from all sources other than provincial aid. Limitation as to patients subject of aid.

52. No provincial aid shall be granted to any sanatorium the approval of which has been revoked or suspended, or to any sanatorium which does not comply with the provisions of this Act, and the regulations. No aid while approval revoked, etc.

53. When from any cause provincial aid to any sanatorium has not been granted or the grant thereof has been withdrawn or withheld, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such sanatorium has been revived or until compliance with the provisions of this Act or the regulations is made, as the case may be. Restoration of Provincial aid.

## PART VIII.

## GENERAL.

- Penalty. **54.** Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500 recoverable under *The Summary Convictions Act*.
- Rev. Stat., c. 121.
- Repeal. **55.** *The Sanatoria for Consumptives Act*, being chapter 357 of the Revised Statutes of Ontario, 1927, is repealed.
- Commencement of Act. **56.** This Act shall come into force on the 1st day of October, 1931.