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Health Facilities Special Orders Act

R.S.O. 1990, Chapter H.5

**Consolidation Period:** From May 18, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2019, c. 5, Sched. 3, s. 8](http://www.ontario.ca/laws/statute/S19005" \l "sched3s8s1).

Legislative History: 1997, c. 30, Sched. A, s. 21; 1998, c. 18, Sched. G, s. 53; 1999, c. 12, Sched. J, s. 25-31; [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2); [2002, c. 18, Sched. I, s. 7](http://www.ontario.ca/laws/statute/S02018" \l "schedis7); [2006, c. 4, s. 45](http://www.ontario.ca/laws/statute/S06004" \l "s45); [2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1); [2006, c. 21, Sched. C, s. 112](http://www.ontario.ca/laws/statute/S06021" \l "schedcs112); [2007, c. 8, s. 208](http://www.ontario.ca/laws/statute/S07008" \l "s208s1); [2009, c. 33, Sched. 18, s. 17 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched18s17s2); [2017, c. 25, Sched. 9, s. 96](http://www.ontario.ca/laws/statute/S17025" \l "sched9s96s1) (see [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67)); [2019, c. 5, Sched. 3, s. 8](http://www.ontario.ca/laws/statute/S19005" \l "sched3s8s1).

Definitions

**1** In this Act,

“ambulance service” has the same meaning as in the Ambulance Act; (“service d’ambulance”)

“Board” means the Health Services Appeal and Review Board under the Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998; (“Commission”)

“health facility” means,

(a) an ambulance service under the Ambulance Act,

(b) Repealed: 2007, c. 8, s. 208 (1).

(c) a private hospital under the Private Hospitals Act,

(d) a laboratory or a specimen collection centre under the Laboratory and Specimen Collection Centre Licensing Act; (“établissement de santé”)

“laboratory” has the same meaning as in the Laboratory and Specimen Collection Centre Licensing Act;

“licence” means a certificate issued under the Ambulance Act to the operator of an ambulance service or any of the following licences:

1. Repealed: 2007, c. 8, s. 208 (2).

2. A licence to use a house as a private hospital under the Private Hospitals Act.

3. A licence to establish, operate or maintain a laboratory or specimen collection centre under the Laboratory and Specimen Collection Centre Licensing Act; (“permis”)

“licensee” means the holder of a licence; (“titulaire d’un permis”)

“Minister” means the Minister of Health; (“ministre”)

“Ministry” means the Ministry of Health; (“ministère”)

“operate” means carry on the activity permitted by a licence; (“exploiter”)

“private hospital” has the same meaning as in the Private Hospitals Act; (“hôpital privé”)

“specimen collection centre” has the same meaning as in the Laboratory and Specimen Collection Centre Licensing Act. (“centre de prélèvement”) R.S.O. 1990, c. H.5, s. 1; 1998, c. 18, Sched. G, s. 53 (1); 1999, c. 12, Sched. J, s. 25; 2007, c. 8, s. 208 (1-3); 2009, c. 33, Sched. 18, s. 17 (2).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 53 (1) - 01/02/1999; 1999, c. 12, Sched. J, s. 25 - 01/05/2000

[2007, c. 8, s. 208 (1-3)](http://www.ontario.ca/laws/statute/S07008" \l "s208s1) - 01/07/2010

[2009, c. 33, Sched. 18, s. 17 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched18s17s2) - 15/12/2009

[2017, c. 25, Sched. 9, s. 96 (1-3)](http://www.ontario.ca/laws/statute/S17025" \l "sched9s96s1) - no effect - see [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67) - 18/05/23

Purposes

**2** The purposes of this Act are:

1. To enable the Minister to act expeditiously to prevent, eliminate or reduce harm to any person, an adverse effect on the health of any person or impairment of the safety of any person caused or likely to be caused by the physical state of a health facility or the manner of operation of a health facility.

2. To enable the Minister to act expeditiously where the conduct of a licensee or of an officer or director of a corporate licensee affords reasonable grounds for belief that the health facility is not being or is not likely to be operated with competence, honesty, integrity and concern for the health and safety of persons served by the health facility. R.S.O. 1990, c. H.5, s. 2.

Suspension of licence, etc.

**3** (1)  Where the Minister is of the opinion upon reasonable grounds,

(a) that the physical state of a health facility or the manner of operation of the health facility by the licensee is causing or is likely to cause harm to or an adverse effect on the health of any person or impairment of the safety of any person; and

(b) that it is practicable to correct the physical state or the manner of operation, as the case may be, of the health facility so that it will not cause harm to or an adverse effect on the health of any person or impairment of the safety of any person,

the Minister, by a written order, may suspend the licence of a health facility other than an ambulance service, and in the case of an ambulance service may require that the licensee suspend the provision of ambulance services, until the Minister is satisfied that the physical state or the manner of operation, as the case may be, of the health facility has been so corrected. 1999, c. 12, Sched. J, s. 26.

Content of order

(2)  An order under subsection (1) shall state the matters that must be corrected in order to obtain,

(a) in the case of a health facility other than an ambulance service, the removal of the suspension of the licence; or

(b) in the case of an ambulance service, an order permitting the licensee to resume the provision of ambulance services. 1999, c. 12, Sched. J, s. 26.

Posting of order

(3)  All orders under subsection (1) shall be posted within clear view at the facility and shall be available at all placement co-ordination offices. R.S.O. 1990, c. H.5, s. 3 (3).

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. J, s. 26 - 01/05/2000

Order to suspend or cease an activity

**4** Where the Minister is of the opinion upon reasonable grounds that an activity carried on, or the manner of carrying on an activity, in the course of the operation of a health facility is causing or is likely to cause harm to or an adverse effect on the health of any person or impairment of the safety of any person, the Minister by a written order may require the licensee,

(a) to suspend the carrying on of the activity until the Minister is satisfied that the carrying on of the activity, or the manner of carrying on the activity, will not cause harm to or adversely affect the health of any person or impairment of the safety of any person; or

(b) where the Minister is of the opinion that it is not practicable for the licensee or the health facility to carry on the activity without causing harm to or adversely affecting the health of any person or impairment of the safety of any person, to cease the carrying on of the activity. R.S.O. 1990, c. H.5, s. 4.

Notice of intention to make order or proposal

**5** (1)  The Minister shall not,

(a) make an order suspending the licence for a health facility;

(a.1) make an order requiring the licensee of an ambulance service to suspend the provision of ambulance services;

(b) make an order requiring the suspension of an activity carried on in the course of operating a health facility;

(c) propose to revoke the licence for a health facility; or

(d) propose to make an order requiring a licensee to cease carrying on an activity carried on in the course of the operation of a health facility,

unless the Minister gives the licensee written notice of the Minister’s intention, together with written reasons therefor. R.S.O. 1990, c. H.5, s. 5 (1); 1999, c. 12, Sched. J, s. 27.

Explanations or representations by licensee

(2)  A notice by the Minister under subsection (1) shall inform the licensee that the Minister will consider any written explanations or representations in the matter submitted to the Minister by the licensee within fifteen days after the notice under subsection (1) is given to the licensee. R.S.O. 1990, c. H.5, s. 5 (2).

Consideration by Minister

(3)  The Minister shall consider the written explanations or representations, if any, submitted by the licensee in accordance with subsection (2) before deciding whether to proceed to make an order or proposal mentioned in subsection (1). R.S.O. 1990, c. H.5, s. 5 (3).

Exception

(4)  Subsections (1) to (3) do not apply where the Minister is of the opinion that it is in the best interest of the persons served by the health facility that the Minister proceed forthwith to make the order or proposal and the Minister gives notice of his or her opinion to the licensee. R.S.O. 1990, c. H.5, s. 5 (4).

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. J, s. 27 - 01/05/2000

Revocation of licence

**6** The Minister may propose to revoke the licence for a health facility where,

(a) the physical state of the health facility is causing or is likely to cause harm to or an adverse effect on the health of any person or impairment of the safety of any person and it is not practicable to correct the physical state of the health facility;

(b) the manner of operation of the health facility is causing or is likely to cause harm to or an adverse effect on the health of any person or impairment of the safety of any person and it is not practicable to correct the manner of operation of the health facility; or

(c) the conduct of the licensee or, where the licensee is a corporation, of the corporation or an officer or director of the corporation affords reasonable grounds for belief that the health facility is not being or is not likely to be operated with competence, honesty, integrity and concern for the health and safety of persons served by the health facility. R.S.O. 1990, c. H.5, s. 6.

Order by Minister to take control of health facility

**7** (1)  Where either the licence for a health facility is suspended under this Act or the licensee of an ambulance service is required by order under this Act to suspend the provision of ambulance services and the Minister is of the opinion that the health facility should continue in operation in order to provide temporarily for the health and safety of persons in the community served by the health facility, the Minister by a written order may take control of and operate the health facility for a period not exceeding six months. R.S.O. 1990, c. H.5, s. 7 (1); 1999, c. 12, Sched. J, s. 28 (1).

Order by Minister, ambulance services

(1.1)  Where the licensee of an ambulance service is required by order under this Act to suspend the provision of ambulance services and the Minister is of the opinion that the ambulance service should continue in operation in order to provide temporarily for the health and safety of persons in the community served by the ambulance service, the Minister by a written order, may, rather than taking control of and operating the ambulance service under subsection (1), select a person, who holds a certificate under section 8 of the Ambulance Act, to manage, operate and administer the ambulance service on an interim basis for a period not exceeding six months. 1999, c. 12, Sched. J, s. 28 (2).

Authority of Minister

(2)  Where the Minister takes control of and operates a health facility under subsection (1), the Minister has all the powers of the licensee of the health facility and the Minister may appoint one or more persons to conduct, manage, operate and administer the health facility and each person so appointed is a representative of the Minister. R.S.O. 1990, c. H.5, s. 7 (2).

Extension

(3)  Upon application with notice by the Minister, the Board may by order extend, by successive periods of not more than six months each, the period of time during which the Minister may retain control of and operate a health facility under subsection (1) or the period of time during which a person selected under subsection (1.1) may manage, operate and administer an ambulance service if,

(a) the Board is satisfied that a hearing or an appeal has been commenced under this Act and the proceedings have not been finally disposed of; and

(b) the Minister continues to be of the opinion that the health facility should continue in operation in order to provide temporarily for the health and safety of persons in the community served by the health facility. 1999, c. 12, Sched. J, s. 28 (3).

Direction final and binding

(4)  An order under subsection (1), (1.1) or (3) takes effect immediately and is final and binding on the licensee. R.S.O. 1990, c. H.5, s. 7 (4); 1997, c. 30, Sched. A, s. 21 (2).

Term of direction

(5)  An order under subsection (1), (1.1) or (3) continues in force,

(a) until terminated by the Minister;

(b) where the licence for the health facility has been suspended under this Act or, in the case of an ambulance service, where the licensee is required by order under this Act to suspend the provision of ambulance services, until the suspension is removed; or

(c) where the Minister has proposed under this Act to revoke the licence for the health facility, until the time for requiring a hearing or an appeal has expired or until the proceedings have been finally disposed of and, where persons are cared for in the health facility, until every person cared for in the health facility has found alternative accommodation. R.S.O. 1990, c. H.5, s. 7 (5); 1997, c. 30, Sched. A, s. 21 (3); 1999, c. 12, Sched. J, s. 28 (4).

Repairs

(6)  The Minister may have such repairs made to a health facility that is under the control of the Minister under this section as the Minister considers necessary to prevent, eliminate or reduce harm to or an adverse effect on the health of any person or impairment of the safety of any person. R.S.O. 1990, c. H.5, s. 7 (6).

Recovery of costs

(7)  The cost of repairs under subsection (6) are a debt due by the licensee to the Crown in right of Ontario and may be recovered with costs by action in a court of competent jurisdiction. R.S.O. 1990, c. H.5, s. 7 (7).

Non-application

(8)  Subsection (7) does not apply to costs to which section 7.1 applies. 1997, c. 30, Sched. A, s. 21 (4).

**Section Amendments with date in force (d/m/y)**

1997, c. 30, Sched. A, s. 21 (2-4) - 01/01/1998; 1999, c. 12, Sched. J, s. 28 (1-4) - 01/05/2000

Notice of order

**7.0.1**(1)  If the Minister makes an order under section 3, 4 or 7 in respect of an ambulance service or if the Minister proposes to take any action described in clause 5 (1) (c) or (d) with respect to an ambulance service, the Minister shall, as soon as practicable after the order is made or the proposal is issued, give notice of the order or proposal to,

(a) if the ambulance service provides services in an upper-tier municipality that is not part of a designated area, the municipality; or

(b) if the ambulance service provides services in a designated area, the delivery agent for the area. 1999, c. 12, Sched. J, s. 29.

Definitions

(2)  In this section,

“delivery agent”, “designated area” and “upper-tier municipality” have the same meanings as in the Ambulance Act. 1999, c. 12, Sched. J, s. 29.

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. J, s. 29 - 01/05/2000

Recovery of costs for ambulance services

**7.1**  (1)  If the Minister takes control of an ambulance service that provides land ambulance services under subsection 7 (1) or selects a person to manage, operate and administer an ambulance service under subsection 7 (1.1), the upper-tier municipality or the delivery agent that is responsible for paying the costs associated with the provision of such services under the Ambulance Act shall reimburse the Minister for,

(a) any fees, costs and expenses incurred by the Minister in ensuring the provision of the land ambulance services in the upper-tier municipality or in the delivery agent’s designated area, including the cost of any repairs under subsection 7 (6); and

(b) the amount of any compensation paid by the Minister under section 9 to a person who provides land ambulance services in the upper-tier municipality or designated area. 1997, c. 30, Sched. A, s. 21 (5).

Notice by Minister

(2)  The Minister shall give the upper-tier municipality or delivery agent notice of the amount that the municipality or delivery agent is required to pay under subsection (1) and of the date on which payment is due. 1997, c. 30, Sched. A, s. 21 (5).

Payment

(3)  The upper-tier municipality or delivery agent shall pay the amount set out in the notice on or before the date set out in the notice. 1997, c. 30, Sched. A, s. 21 (5).

Determination final

(4)  The determination by the Minister of the amount due by an upper-tier municipality or a delivery agent is final. 1997, c. 30, Sched. A, s. 21 (5).

Debt due Crown

(5)  Any amount due to the Minister by an upper-tier municipality or a delivery agent under this section is a debt owing to the Crown in right of Ontario and may be recovered by any remedy or procedure available to the Crown by law. 1997, c. 30, Sched. A, s. 21 (5).

Definitions

(6)  In this section,

“delivery agent”, “designated area” and “land ambulance services” have the same meanings as in the Ambulance Act;(“agent de prestation”, “zone désignée”, “services d’ambulance terrestres”)

“upper-tier municipality” has the same meaning as in theMunicipal Act, 2001. (“municipalité de palier supérieur”) 2002, c. 17, Sched. F, Table.

**Section Amendments with date in force (d/m/y)**

1997, c. 30, Sched. A, s. 21 (5) - 01/01/1998

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

Payment for services

**8** The licensee of a health facility is not entitled to payment for any service that is provided by the health facility while the health facility is under the control of the Minister under this Act, whether or not the payment is from the Crown, the Minister, the Agency within the meaning of the Connecting Care Act, 2019, a person receiving a service from the licensee or another person. 2006, c. 4, s. 45; 2019, c. 5, Sched. 3, s. 8 (1); 2019, c. 5, Sched. 3, s. 8 (2).

**Section Amendments with date in force (d/m/y)**

[2006, c. 4, s. 45](http://www.ontario.ca/laws/statute/S06004" \l "s45) - 28/03/2006

[2019, c. 5, Sched. 3, s. 8 (1)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s8s1) - 06/06/2019; [2019, c. 5, Sched. 3, s. 8 (2)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s8s2) - 01/04/2021

Compensation for use of property

**9** The licensee of a health facility is entitled to reasonable compensation from the Crown for the use of property of the licensee while the health facility is under the control of the Minister under this Act. R.S.O. 1990, c. H.5, s. 9.

Notice of proposal to revoke

**10** (1)  Where the Minister proposes to revoke a licence or to require a licensee to cease carrying on an activity, the Minister shall deliver notice of the proposal, together with written reasons therefor, on the licensee. R.S.O. 1990, c. H.5, s. 10 (1).

Notice of suspension

(2)  Where the Minister by order either suspends the licence for a health facility, requires the licensee of an ambulance service to suspend the provision of ambulance services orrequires a licensee to suspend the carrying on of an activity in a health facility, the Minister shall deliver with the order notice that the licensee is entitled to a hearing by the Board if the licensee mails or delivers, within fifteen days after the notice is served on the licensee, notice in writing to the Board and to the Minister requiring a hearing, and the licensee may so require such a hearing. R.S.O. 1990, c. H.5, s. 10 (2); 1999, c. 12, Sched. J, s. 30.

Notice requiring hearing

(3)  A notice under subsection (1) shall inform the licensee that the licensee is entitled to a hearing by the Board if the licensee mails or delivers, within fifteen days after the notice under subsection (1) is served on the licensee, notice in writing requiring a hearing to the Minister and the Board, and the licensee may so require such a hearing. R.S.O. 1990, c. H.5, s. 10 (3).

Hearing

(4)  Where a licensee requires a hearing in accordance with subsection (2) or (3), the Board shall appoint a time for and hold the hearing within sixty days of receipt of the notice in writing by the Board. R.S.O. 1990, c. H.5, s. 10 (4).

Opportunity to comply

(5)  Where the Board is required to hold a hearing, it shall proceed forthwith to hold the hearing unless the licensee satisfies the Board that the licensee has not been given a reasonable opportunity to comply with all the lawful requirements for the issue or retention of the licence, that it would be just and reasonable to give the licensee that opportunity and that delaying the hearing will not adversely affect the health or safety of the persons served by the health facility. R.S.O. 1990, c. H.5, s. 10 (5).

Powers of Board

(6)  Where the hearing is required in accordance with subsection (2), the Board, by order, may confirm, vary or rescind the order and take such action as the Board considers the Minister ought to take in accordance with this Act and the regulations. R.S.O. 1990, c. H.5, s. 10 (6).

Idem

(7)  Where the hearing is required in accordance with subsection (3), the Board, by order, may direct the Minister to carry out the proposal or refrain from carrying it out and to take such action as the Board considers the Minister ought to take in accordance with this Act and the regulations. R.S.O. 1990, c. H.5, s. 10 (7).

Opinion of Board

(8)  For the purposes of subsections (6) and (7), the Board may substitute its opinion for that of the Minister. R.S.O. 1990, c. H.5, s. 10 (8).

Power of Minister where no hearing

(9)  Where the licensee does not require a hearing in accordance with subsection (3), the Minister may carry out the proposal stated in the Minister’s notice under subsection (1). R.S.O. 1990, c. H.5, s. 10 (9).

Extension of time for requiring hearing

(10)  The Board may extend the time for the giving of notice requiring a hearing by a licensee under this section either before or after expiration of such time where it is satisfied that there are apparent grounds for granting relief to the licensee following upon a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension. R.S.O. 1990, c. H.5, s. 10 (10).

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. J, s. 30 - 01/05/2000

Parties

**11** (1)  The Minister, the licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. R.S.O. 1990, c. H.5, s. 11 (1).

(2), (3)  Repealed: 2007, c. 8, s. 208 (4).

Examination of documentary evidence

(4)  A party to proceedings under subsection (1) shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. 2007, c. 8, s. 208 (5).

Members holding hearing not to have taken part in investigation, etc.

(5)  Members of the Board holding a hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his, her or its representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. H.5, s. 11 (5).

Recording of evidence

(6)  The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice. R.S.O. 1990, c. H.5, s. 11 (6); 2006, c. 19, Sched. C, s. 1 (1).

(7)  Repealed: 1998, c. 18, Sched. G, s. 53 (2).

Release of documentary evidence

(8)  Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to the person by the Board within a reasonable time after the matter in issue has been finally determined. R.S.O. 1990, c. H.5, s. 11 (8).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 53 (2) - 01/02/1999

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006; [2006, c. 21, Sched. C, s. 112](http://www.ontario.ca/laws/statute/S06021" \l "schedcs112) - 01/05/2007

[2007, c. 8, s. 208 (4, 5)](http://www.ontario.ca/laws/statute/S07008" \l "s208s4) - 01/07/2010

Evidence of disabled person

**12** (1)  Where a party to a proceeding under this Act wishes to call as a witness in the proceeding a person who by reason of age, infirmity or physical disability is unable to attend the proceeding, the members of the Board who are holding the hearing, at the request of the party, may attend upon the witness and take the evidence of the witness. R.S.O. 1990, c. H.5, s. 12 (1).

Medical report sufficient proof

(2)  A medical report signed by a legally qualified medical practitioner stating that the practitioner believes the witness is unable to attend a proceeding by reason of age, infirmity or physical disability is proof, in the absence of evidence to the contrary, of the inability of the witness to attend the proceeding. R.S.O. 1990, c. H.5, s. 12 (2).

Opportunity to examine

(3)  A person shall not take evidence from a witness under subsection (1) unless reasonable notice of the time for taking the evidence is given to all parties to the proceeding and each party attending is given an opportunity to examine or cross-examine the witness. R.S.O. 1990, c. H.5, s. 12 (3).

Appeal to court

**13** (1)  Any party to the proceedings before the Board under this Act may appeal from its decision or order to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. H.5, s. 13 (1); 1998, c. 18, Sched. G, s. 53 (3).

Record to be filed in court

(2)  Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Superior Court of Justice the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board’s record, shall constitute the record in the appeal. R.S.O. 1990, c. H.5, s. 13 (2); 2006, c. 19, Sched. C, s. 1 (1).

Powers of court on appeal

(3)  An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Minister to take any action which the Board may direct the Minister to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Minister or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. R.S.O. 1990, c. H.5, s. 13 (3).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 53 (3) - 01/02/1999

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

When order comes into force

**14** (1)  An order made under section 3 or 4 of this Act comes into force when it is delivered to the person to whom it is directed and is effective until varied or rescinded on appeal. 1999, c. 12, Sched. J, s. 31.

No stay of order

(1.1)  An order under this Act is not stayed by a hearing or appeal held under this Act. 1999, c. 12, Sched. J, s. 31.

Effect of notice of proposal to revoke

(2)  Where the Minister delivers notice of a proposal to revoke the licence for a health facility other than an ambulance service to the licensee of the health facility, the licence is suspended from the time of the delivery until the expiry of the time for requiring a hearing or, where a hearing is required, the final disposition of the hearing and appeal, if any, in the matter. 1999, c. 12, Sched. J, s. 31.

Same, ambulance services

(2.1)  Where the Minister delivers notice of a proposal to revoke the licence for an ambulance service to the licensee of the ambulance service, the licensee shall suspend the provision of ambulance services from the time of the delivery until the expiry of the time for requiring a hearing or, where a hearing is required, the final disposition of the hearing and appeal, if any, in the matter. 1999, c. 12, Sched. J, s. 31.

Effect of notice of proposal to require cessation of activity

(3)  Where the Minister delivers to the licensee of a health facility notice of proposal to require the cessation of an activity in the course of the operation of the health facility, the right to carry on the activity is suspended at and from the time of delivery of the notice until the expiry of the time for requiring a hearing or, where a hearing is required, the final disposition of the hearing and appeal, if any, in the matter. R.S.O. 1990, c. H.5, s. 14 (3).

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. J, s. 31 - 01/05/2000

Delivery of documents

**15** (1)  An order, notice or document that is required or authorized to be given or delivered to a person under this Act or the regulations is sufficiently given or delivered if delivered personally or mailed to the person at his or her last address appearing in the records of the Ministry. R.S.O. 1990, c. H.5, s. 15 (1).

Idem

(2)  Delivery of an order, notice or document mentioned in subsection (1) shall not be carried out by mail until all reasonable efforts have been made to give or deliver the order, notice or document personally. R.S.O. 1990, c. H.5, s. 15 (2).

Offence, individual

**16** (1)  Every individual who knowingly fails to comply with an order under this Act is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not more than $25,000 or to a term of imprisonment of not more than 12 months, or to both;

(b) for each subsequent offence, to a fine of not more than $50,000 or to a term of imprisonment of not more than 12 months, or to both. 2002, c. 18, Sched. I, s. 7.

Same, corporation

(2)  Every corporation that knowingly fails to comply with an order under this Act is guilty of an offence and on conviction is liable to a fine of not more than $50,000 for a first offence and to a fine of not more than $200,000 for a subsequent offence. 2002, c. 18, Sched. I, s. 7.

Same, directors and officers

(3)  A director or officer of the corporation who authorizes or permits a contravention by the corporation under subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than $50,000 for a first offence and to a fine of not more than $200,000 for a subsequent offence. 2002, c. 18, Sched. I, s. 7.

Compensation or restitution

(4)  The court that convicts a person of an offence under this section may, in addition to any other penalty, order that the person pay compensation or make restitution to any person who suffered a loss as a result of the offence. 2002, c. 18, Sched. I, s. 7.

No limitation

(5)  Section 76 of the Provincial Offences Act does not apply to a prosecution under this section. 2002, c. 18, Sched. I, s. 7.

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. I, s. 7](http://www.ontario.ca/laws/statute/S02018" \l "schedis7) - 26/11/2002

Proceedings to restrain contravention of order

**17** Despite any other remedy or any penalty, the contravention by any person of an order made under this Act may be restrained by order of a judge of the Superior Court of Justice upon application without notice by the Minister. R.S.O. 1990, c. H.5, s. 17; 2006, c. 19, Sched. C, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Regulations to supplement Act

**18** The Lieutenant Governor in Council may make regulations authorizing all such acts or things not specifically provided for in this Act as, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to carry out effectively the purposes of this Act. R.S.O. 1990, c. H.5, s. 18.

Conflict

**19** The provisions of this Act are in addition to the provisions of the Ambulance Act, the Private Hospitals Act and the Laboratory and Specimen Collection Centre Licensing Act, and in the event of a conflict between a provision of one of those Acts and a provision of this Act, the provision of this Act shall prevail. 2007, c. 8, s. 208 (6).

**Section Amendments with date in force (d/m/y)**

[2007, c. 8, s. 208 (6)](http://www.ontario.ca/laws/statute/S07008" \l "s208s6) - 01/07/2010

[2017, c. 25, Sched. 9, s. 96 (4)](http://www.ontario.ca/laws/statute/S17025" \l "sched9s96s4) - no effect - see [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67) - 18/05/23

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