[Français](http://www.ontario.ca/fr/lois/loi/90p24)

Private Hospitals Act

R.S.O. 1990, Chapter P.24

**Consolidation Period:** From September 25, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2023, c. 4, Sched. 1, s. 77](http://www.ontario.ca/laws/statute/S23004" \l "sched1s77).

Legislative History: 1996, c. 1, Sched. F, s. 16-18; 1997, c. 15, s. 15; 1998, c. 18, Sched. G, s. 69; [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2); [2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1); [2006, c. 19, Sched. L, s. 11 (2), (3)](http://www.ontario.ca/laws/statute/S06019" \l "schedls11s2); [2009, c. 33, Sched. 18, s. 17 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched18s17s2); [2010, c. 15, s. 237](http://www.ontario.ca/laws/statute/S10015" \l "s237); [2016, c. 30, s. 45](http://www.ontario.ca/laws/statute/S16030" \l "s45s1); [2017, c. 14, Sched. 4, s. 30](http://www.ontario.ca/laws/statute/S17014" \l "sched4s30); [2017, c. 25, Sched. 9, s. 84 (3), 110](http://www.ontario.ca/laws/statute/S17025" \l "sched9s84s3) (see: [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67)); [2019, c. 5, Sched. 3, s. 18](http://www.ontario.ca/laws/statute/S19005" \l "sched3s18s1); [2020, c. 13, Sched. 3, s. 9](http://www.ontario.ca/laws/statute/S20013" \l "sched3s9); [2021, c. 2, Sched. 2, s. 11](http://www.ontario.ca/laws/statute/S21002" \l "sched2s11); [2021, c. 39, Sched. 2, s. 21](http://www.ontario.ca/laws/statute/S21039" \l "sched2s21); [2023, c. 4, Sched. 1, s. 77](http://www.ontario.ca/laws/statute/S23004" \l "sched1s77).

Definitions

**1** In this Act,

“applicant” means applicant or applicants, as the case may be; (“auteur de la demande”)

“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”)

“house” means a building or other structure, whether permanent or temporary, intended for human habitation and, where two or more houses are situate on adjacent pieces of land and are occupied by the same person, they shall be deemed to constitute a single house for the purposes of this Act; (“maison”)

“inspector” means an officer of the Ministry designated under this Act as an inspector; (“inspecteur”)

“Minister” means the Minister of Health and Long-Term Care; (“ministre”)

“Ministry” means the Ministry of Health and Long-Term Care; (“ministère”)

“patient” means a person admitted to a private hospital for the purpose of treatment; (“malade”)

“private hospital” means a house in which four or more patients are or may be admitted for treatment, other than,

(a) an integrated community health services centre within the meaning of the Integrated Community Health Services Centres Act, 2023 or a hospital within the meaning of the Public Hospitals Act,

(b) a premises owned or operated by a health service provider or Ontario Health Team funded under section 21 of the Connecting Care Act, 2019 to provide home and community care services prescribed under that Act that include residential accommodation at the premises,

(c) a children’s residence licensed under Part IX (Residential Licensing) of the Child, Youth and Family Services Act, 2017,

(d) a lodging house licensed under a municipal by-law; (“hôpital privé”)

“regulations” means the regulations made under this Act; (“règlements”)

“superintendent” means the person who has for the time being the direct and actual superintendence and charge of a private hospital; (“directeur général”)

“treatment” means the maintenance, observation, nursing and medical care and supervision of a patient. (“traitement”) R.S.O. 1990, c. P.24, s. 1; 1996, c. 1, Sched. F, s. 16; 1998, c. 18, Sched. G, s. 69 (1); 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. L, s. 11 (2, 3); 2009, c. 33, Sched. 18, s. 17 (2); 2017, c. 14, Sched. 4, s. 30; 2020, c. 13, Sched. 3, s. 9; 2023, c. 4, Sched. 1, s. 77.

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

1996, c. 1, Sched. F, s. 16 - 01/03/1996; 1998, c. 18, Sched. G, s. 69 (1) - 01/02/1999

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

[2006, c. 19, Sched. L, s. 11 (2, 3)](http://www.ontario.ca/laws/statute/S06019" \l "schedls11s2) - 22/06/2006

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

[2017, c. 14, Sched. 4, s. 30](http://www.ontario.ca/laws/statute/S17014" \l "sched4s30) - 30/04/2018; [2017, c. 25, Sched. 9, s. 110 (1)](http://www.ontario.ca/laws/statute/S17025" \l "sched9s110s1) - no effect - see [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67) - 18/05/2023

[2020, c. 13, Sched. 3, s. 9](http://www.ontario.ca/laws/statute/S20013" \l "sched3s9) - 01/05/2022

[2023, c. 4, Sched. 1, s. 77](http://www.ontario.ca/laws/statute/S23004" \l "sched1s77) - 25/09/2023

Administration and enforcement of Act

**2** The Minister shall administer and enforce this Act and the regulations. R.S.O. 1990, c. P.24, s. 2.

Licence required to operate private hospital

**3** (1)  No person shall use a house as a private hospital except under the authority of a licence issued under this Act before the 29th day of October, 1973, or a renewal of such a licence. R.S.O. 1990, c. P.24, s. 3 (1).

Offence

(2)  Where a house is used as a private hospital in contravention of subsection (1), the occupier and each person concerned in the management or operation of the house or in the admission thereto or treatment therein of any patient are severally guilty of an offence and on conviction are each liable to a fine of not less than $200 and not more than $1,000 for each day upon which such contravention occurs or continues. R.S.O. 1990, c. P.24, s. 3 (2).

Use of term “hospital”

**4** (1)  No person shall use the term “hospital” or “hôpital” in connection with a house unless such use is duly authorized. R.S.O. 1990, c. P.24, s. 4 (1).

Offence

(2)  Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $1,000. R.S.O. 1990, c. P.24, s. 4 (2).

Applications to incorporate

**5** No application under the Not-for-Profit Corporations Act, 2010 or the Business Corporations Act to incorporate a corporation having as its object the operation of a private hospital shall be proceeded with. R.S.O. 1990, c. P.24, s. 5; 2010, c. 15, s. 237.

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

[2010, c. 15, s. 237](http://www.ontario.ca/laws/statute/S10015" \l "s237) - 19/10/2021

Proceedings to prohibit continuation or repetition of contravention

**6** (1)  Where subsection 3 (1) or section 22 is contravened, despite any other remedy or any penalty imposed, the Minister may apply to a judge of the Superior Court of Justice for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention and the judge may make the order and, where the judge considers it proper, may postpone the operation of the order for a period of not more than thirty days after the day of the making of the order to permit patients in the house to find alternative accommodation and vacate the premises, and the order may be enforced in the same manner as any other order or judgment of the Superior Court of Justice. R.S.O. 1990, c. P.24, s. 6 (1); 2006, c. 19, Sched. C, s. 1 (1).

Appeal

(2)  An appeal lies to the Divisional Court from an order made under subsection (1). R.S.O. 1990, c. P.24, s. 6 (2).

**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

Licence, renewal

**7** (1)  Every licence is renewable annually in accordance with the regulations. R.S.O. 1990, c. P.24, s. 7 (1).

Fees

(2)  The Minister may establish and charge fees for the renewal of licences. 1997, c. 15, s. 15 (1).

Power to refuse renewal

(3)  The Minister may refuse to renew the licence of any private hospital if it was operated in a manner that contravened this Act or the regulations. R.S.O. 1990, c. P.24, s. 7 (3); 1996, c. 1, Sched. F, s. 17.

Refusal to renew licence

(4)  Where the licensee is a corporation, the Minister may refuse to renew its licence if the Minister is not satisfied as to the character of each director and officer of the corporation and as to his or her fitness to direct, manage or be associated with the operation of the private hospital. R.S.O. 1990, c. P.24, s. 7 (4).

Change of class of hospital on renewal of licence

(5)  When a licence is renewed, the Minister shall determine the class of hospital that may be operated and may change the class from that for which the hospital was licensed in the preceding year. R.S.O. 1990, c. P.24, s. 7 (5).

Offence

(6)  Where the renewal of a licence has been refused or where a licence has been revoked, the licence shall not be displayed in a manner that may induce a person to believe that it is still in force, and every person who so displays a licence is guilty of an offence and on conviction is liable to a fine of not less than $50 and not more than $1,000. R.S.O. 1990, c. P.24, s. 7 (6).

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

1996, c. 1, Sched. F, s. 17 - 01/03/1996; 1997, c. 15, s. 15 (1) - 10/10/1997

Death of one of joint licensees

**8** Where a licence has been issued to two or more persons jointly and any of such persons dies leaving the other or others surviving during the currency of the licence, the licence remains in force and has the same effect as if it had been issued to the survivor or survivors. R.S.O. 1990, c. P.24, s. 8.

Transfer of licence

**9** A licence under this Act is transferable only where the proposed transferee obtains the prior written consent of the Minister to the transfer, but the Minister shall not consent to the transfer until he or she is satisfied by such evidence as he or she may require as to the good character and the fitness of the transferee to manage and operate the private hospital. R.S.O. 1990, c. P.24, s. 9.

Transfer of corporation shares

**10** (1)  Where the licensee of a private hospital is a corporation with share capital, no share thereof shall be transferred without the prior approval of the Minister. R.S.O. 1990, c. P.24, s. 10 (1).

Appeal

(2)  Where an application for the approval of the Minister to the transfer of shares under subsection (1) is refused, the applicant may appeal from the decision to the Divisional Court at any time within thirty days from receipt of notice of the refusal, and the court may, upon the hearing of the appeal, make such order as to the transfer of the shares or confirming the Minister’s decision and as to costs as the court considers just. R.S.O. 1990, c. P.24, s. 10 (2).

Procedure

(3)  The appeal shall be by notice served upon the Minister, and shall be founded upon a copy of the application, a copy of any proceedings before the Minister, a copy of the decision of the Minister and upon any other material the court considers relevant. R.S.O. 1990, c. P.24, s. 10 (3).

Death of licensee

**11** (1)  When a licensee or the sole surviving licensee dies,

(a) the person to whom the private hospital passes may apply to have the licence transferred to him, her or it, but the Minister shall not grant consent to the transfer until he or she is satisfied by such evidence as he or she may require as to the good character and the fitness of the transferee to manage and operate the private hospital; or

(b) the personal representative of the deceased licensee may apply to the Minister for a temporary licence to permit the private hospital to continue in operation under the management of the personal representative for such period of time as in the opinion of the Minister is sufficient to allow the personal representative to dispose of the private hospital and to allow other accommodation to be provided for the patients in the hospital. R.S.O. 1990, c. P.24, s. 11 (1).

Time limit

(2)  Unless an application is made under subsection (1) within three months after the death of the licensee or of the sole surviving licensee, the licence is revoked. R.S.O. 1990, c. P.24, s. 11 (2).

Revocation of licence

**12** (1)  A licence may at any time be revoked by the Minister,

(a) if the licensee has made default for two months in paying the annual licence fee;

(b) if the licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment; or

(c) if, in the opinion of the Minister,

(i) the premises of the private hospital are unclean, unsanitary or without proper fire protection,

(ii) the standard of patient care provided in the private hospital is inadequate,

(iii) the private hospital is managed or conducted in a manner contrary to this Act or the regulations, or

(iv) the private hospital is managed or conducted in such a manner that the revocation of the licence is required in the public interest. R.S.O. 1990, c. P.24, s. 12 (1).

Notice to licensee

(2)  Before a licence is revoked, the Minister shall give notice to the licensee or superintendent of the ground or grounds on which it is proposed to revoke the licence and shall afford to the person an opportunity of showing cause why the licence should not be revoked. R.S.O. 1990, c. P.24, s. 12 (2).

Refusal to renew or consent to transfer or revocation

**13** (1)  Where the Minister proposes to refuse to renew or consent to the transfer of a licence or proposes to revoke a licence under this Act, he or she shall serve notice of the proposal, together with written reasons therefor, on the licensee. R.S.O. 1990, c. P.24, s. 13 (1).

Request for hearing

(2)  A notice under subsection (1) shall state that the licensee is entitled to a hearing by the Board if the licensee mails or delivers a written request for a hearing to the Minister and the Board within fifteen days after service of the notice under subsection (1). R.S.O. 1990, c. P.24, s. 13 (2); 1998, c. 18, Sched. G, s. 69 (2).

Powers of Minister where no hearing

(3)  Where a licensee does not request a hearing by the Board in accordance with subsection (2), the Minister may carry out the proposal stated in his or her notice under subsection (1). R.S.O. 1990, c. P.24, s. 13 (3); 1998, c. 18, Sched. G, s. 69 (4).

Powers of Board where hearing

(4)  Where a licensee requests a hearing by the Board in accordance with subsection (2), the Board shall appoint a time for and hold the hearing and, on the application of the Minister at the hearing, may by order direct the Minister to carry out the proposal or refrain from carrying out the proposal and to take such action as the Board considers the Minister ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Minister. R.S.O. 1990, c. P.24, s. 13 (4); 1998, c. 18, Sched. G, s. 69 (4).

Extension of time for requiring hearing

(5)  The Board may extend the time for the giving of notice requesting 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 pursuant to 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. P.24, s. 13 (5); 1998, c. 18, Sched. G, s. 69 (4).

Continuation of licence pending renewal

(6)  Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of a licence, a licensee has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision. R.S.O. 1990, c. P.24, s. 13 (6).

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

1998, c. 18, Sched. G, s. 69 (2, 4) - 01/02/1999

Parties

**14** (1)  The Minister or 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. P.24, s. 14 (1); 1998, c. 18, Sched. G, s. 69 (4).

Notice of hearing

(2)  Notice of a hearing under section 13 shall afford the licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the renewal, retention or transfer of the licence. R.S.O. 1990, c. P.24, s. 14 (2).

Examination of documentary evidence

(3)  A licensee who is 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. R.S.O. 1990, c. P.24, s. 14 (3).

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

(4)  Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or representative of any party 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. P.24, s. 14 (4); 1998, c. 18, Sched. G, s. 69 (4).

Recording of evidence

(5)  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. P.24, s. 14 (5); 2006, c. 19, Sched. C, s. 1 (1).

Findings of fact

(6)  The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the Statutory Powers Procedure Act. R.S.O. 1990, c. P.24, s. 14 (6).

(7)  Repealed: 1998, c. 18, Sched. G, s. 69 (3).

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. P.24, s. 14 (8).

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

1998, c. 18, Sched. G, s. 69 (3, 4) - 01/02/1999

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

Directives by Minister

**14.1**(1)  The Minister may issue operational or policy directives to a licensee of a private hospital where the Minister considers it to be in the public interest to do so. 2016, c. 30, s. 45 (1).

Binding

(2)  A licensee shall carry out every directive of the Minister. 2016, c. 30, s. 45 (1).

General or particular

(3)  An operational or policy directive of the Minister may be general or particular in its application. 2016, c. 30, s. 45 (1).

Law prevails

(4)  For greater certainty, in the event of a conflict between a directive issued under this section and a provision of any applicable Act or rule of any applicable law, the Act or rule prevails. 2016, c. 30, s. 45 (1).

Non-application of Legislation Act, 2006

(5)  Part III (Regulations) of the Legislation Act, 2006 does not apply to the operational or policy directives. 2016, c. 30, s. 45 (1).

Public availability

(6)  The Minister shall make every directive under this section available to the public. 2016, c. 30, s. 45 (1).

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

[2016, c. 30, s. 45 (1)](http://www.ontario.ca/laws/statute/S16030" \l "s45s1) - 08/12/2016

Appeal to court

**15** (1)  Any party to the proceedings before the Board may appeal from its decision or order to the Divisional Court. R.S.O. 1990, c. P.24, s. 15 (1); 1998, c. 18, Sched. G, s. 69 (4).

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. P.24, s. 15 (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 him or her 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. P.24, s. 15 (3).

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

1998, c. 18, Sched. G, s. 69 (4) - 01/02/1999

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

Revocation in public interest

**15.1**  (1)  The Minister may revoke a licence issued under this Act if the Minister is of the opinion that it is in the public interest to do so. 1996, c. 1, Sched. F, s. 18.

Cessation of operation

(2)  The licensee shall cease the operation of the private hospital 30 days after receipt of the notice of revocation or upon such later date as is specified by the Minister. 1996, c. 1, Sched. F, s. 18.

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

1996, c. 1, Sched. F, s. 18 - 01/03/1996

[2017, c. 25, Sched. 9, s. 110 (2)](http://www.ontario.ca/laws/statute/S17025" \l "sched9s110s2) - no effect - see [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67) - 18/05/2023

Reduction or termination of payments

**15.2**  The Minister may reduce or terminate any grant, loan, financial assistance or amount otherwise payable under this or any other Act to or in respect of a private hospital if the Minister is of the opinion that it is in the public interest to do so. 1996, c. 1, Sched. F, s. 18.

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

1996, c. 1, Sched. F, s. 18 - 01/03/1996

Criteria for decision

**15.3**  In making a decision in the public interest under section 14.1, 15.1 or 15.2, the Minister may consider any matter he or she regards as relevant including, without limiting the generality of the foregoing, the proper management of the health care system in general and the availability of financial resources for the management of the health care system and for the delivery of health care services. 1996, c. 1, Sched. F, s. 18; 2016, c. 30, s. 45 (2).

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

1996, c. 1, Sched. F, s. 18 - 01/03/1996

[2016, c. 30, s. 45 (2)](http://www.ontario.ca/laws/statute/S16030" \l "s45s2) - 08/12/2016

Notice of intention

**15.4**(1)  At least 30 days before revoking a licence under section 15.1, the Minister shall serve notice of intention to revoke the licence on the licensee. 1996, c. 1, Sched. F, s. 18.

No prior notice

(2)  The Minister may act under section 15.2 without prior notice to the licensee. 1996, c. 1, Sched. F, s. 18.

Application of ss. 12-15

(3)  Sections 12 to 15 do not apply, and no person is entitled to a hearing or an appeal, in respect of a revocation under section 15.1 or a reduction or termination under section 15.2. 1996, c. 1, Sched. F, s. 18.

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

1996, c. 1, Sched. F, s. 18 - 01/03/1996

Temporary control

**15.5**  (1)  If a licence in respect of a private hospital is revoked under section 15.1 and the Minister is of the opinion that the private hospital should continue in operation in order to provide temporarily for the health or safety of patients in the private hospital, the Minister by a written order may take control of and operate the private hospital for a period not exceeding six months. 1996, c. 1, Sched. F, s. 18.

Authority of Minister

(2)  If the Minister takes control of and operates a private hospital under this section, the Minister has all the powers in respect of the private hospital of the person or persons to whom the licence was issued or renewed. 1996, c. 1, Sched. F, s. 18.

Appointment

(3)  The Minister may appoint one or more persons to operate the private hospital as a representative or representatives of the Minister. 1996, c. 1, Sched. F, s. 18.

Effective date

(4)  An order under subsection (1) takes effect immediately and is final and binding on the person or persons to whom the licence was issued or renewed. 1996, c. 1, Sched. F, s. 18.

Termination of order

(5)  An order under subsection (1) may be terminated by the Minister before its expiry date if there are no longer any patients in the private hospital. 1996, c. 1, Sched. F, s. 18.

Repairs

(6)  The Minister may have such repairs made to a private hospital 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. 1996, c. 1, Sched. F, s. 18.

Recovery of costs

(7)  The cost of repairs under subsection (6) is a debt due to the Crown in right of Ontario by the person or persons to whom the licence was issued or renewed and may be recovered with costs by action in a court of competent jurisdiction. 1996, c. 1, Sched. F, s. 18.

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

1996, c. 1, Sched. F, s. 18 - 01/03/1996

Immunity

**15.6**  No proceeding shall be commenced against the Crown in right of Ontario or against the Minister in respect of,

(a) the issuing of a directive under section 14.1 or a decision, revocation, termination or reduction under section 15.1 or 15.2; or

(b) an order or any action by the Minister under section 15.5 or by a person appointed by the Minister under that section. 1996, c. 1, Sched. F, s. 18; 2016, c. 30, s. 45 (3).

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

1996, c. 1, Sched. F, s. 18 - 01/03/1996

[2016, c. 30, s. 45 (3)](http://www.ontario.ca/laws/statute/S16030" \l "s45s3) - 08/12/2016

[2017, c. 25, Sched. 9, s. 110 (3)](http://www.ontario.ca/laws/statute/S17025" \l "sched9s110s3) - no effect - see [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67) - 18/05/2023

[2019, c. 5, Sched. 3, s. 18 (1, 2)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s18s1) - not in force

Service of notice

**16** Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at the person’s latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that, acting in good faith, through absence, accident, illness or other cause beyond the person’s control the notice was not received until a later date. R.S.O. 1990, c. P.24, s. 16.

Powers of private hospitals

**17** Every private hospital has power to carry on its undertaking as is authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but, where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations prevail. R.S.O. 1990, c. P.24, s. 17.

**18** Repealed: 1997, c. 15, s. 15 (2).

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

1997, c. 15, s. 15 (2) - 10/10/1997

Resident superintendent

**19** (1)  Every private hospital shall have at all times a superintendent who may be the licensee, if qualified under this section, and shall be either a legally qualified medical practitioner, a registered nurse, or a person whose qualifications are acceptable to the Minister. R.S.O. 1990, c. P.24, s. 19 (1).

Minister’s approval

(2)  No person other than a licensee shall be appointed as the superintendent of a private hospital until his or her name and qualifications have been furnished to the Minister and the Minister has approved of the appointment. R.S.O. 1990, c. P.24, s. 19 (2).

Acting superintendent

(3)  During the temporary absence, illness or incapacity of the superintendent, the licensee may, without giving notice to the Minister, appoint as acting superintendent any other person qualified in accordance with this section, and every person so appointed shall, while he or she so acts, be deemed for the purpose of this Act to be the superintendent, but he or she shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks. R.S.O. 1990, c. P.24, s. 19 (3).

Offence

(4)  Where at any time a private hospital is used as such while it has no duly qualified superintendent, the licensee is guilty of an offence and on conviction is liable to a fine of not more than $50 for every day during which it is so used. R.S.O. 1990, c. P.24, s. 19 (4).

Interns

**20** No person shall be employed as an intern in a private hospital unless he or she is a member of the College of Physicians and Surgeons of Ontario. R.S.O. 1990, c. P.24, s. 20; 1998, c. 18, Sched. G, s. 69 (5).

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

1998, c. 18, Sched. G, s. 69 (5) - 01/02/1999

Register of patients

**21** (1)  The licensee of every private hospital shall keep or cause to be kept a register of patients in which shall be entered,

(a) the name, age, sex and usual place of residence of each patient, and the date of his or her admission to the hospital;

(b) each patient’s diagnosis;

(c) the name of the medical practitioner, if any, attending each patient;

(d) the date on which each patient leaves the hospital and, if transferred to another hospital, the name of the other hospital or, in the event of the death of a patient in the hospital, the date of death; and

(e) such other particulars as are prescribed by the Minister. R.S.O. 1990, c. P.24, s. 21 (1).

Entry of particulars

(2)  The particulars required by subsection (1) shall be entered in the register as soon as practicable after the occurrence of the act or event to which the entry relates. R.S.O. 1990, c. P.24, s. 21 (2).

Offence

(3)  Every person who knowingly makes an untrue entry in a register of patients is guilty of an offence and on conviction is liable to a fine of not more than $1,000. R.S.O. 1990, c. P.24, s. 21 (3).

Idem

(4)  Every licensee who fails to make or cause to be made any entry in the register required by subsection (1) to be made therein is guilty of an offence and on conviction is liable to a fine of not more than $1,000. R.S.O. 1990, c. P.24, s. 21 (4).

Construction, addition or enlargement prohibited

**22** (1)  No person shall construct, add to or enlarge the patient bed capacity of any house that is or that is intended to be used as a private hospital. R.S.O. 1990, c. P.24, s. 22 (1).

Alteration or renovation

(2)  No person shall alter or renovate a house that is used as a private hospital unless the person has first obtained the approval in writing of the Minister for the alteration or renovation. R.S.O. 1990, c. P.24, s. 22 (2).

Minister may require material

(3)  The Minister may require an applicant for an approval under subsection (2) to submit to the Minister any plans, specifications and other information related to the alteration or renovation and, subject to subsection (4), the Minister may issue the approval in writing for the alteration or renovation. R.S.O. 1990, c. P.24, s. 22 (3).

Where Minister may refuse approval or impose terms and conditions

(4)  The Minister may refuse to issue an approval under subsection (2) where he or she considers that it is not in the public interest to issue the approval or may issue the approval subject to such terms and conditions as he or she considers are in the public interest. R.S.O. 1990, c. P.24, s. 22 (4).

Matters to be considered by Minister

(5)  In considering whether it is in the public interest under subsection (4) to refuse to issue an approval or to issue an approval subject to terms and conditions, the Minister shall take into account,

(a) whether the proposed alteration or renovation will or will likely be prejudicial to the health, safety or welfare of the patients who are receiving or are likely to receive services or treatment in the private hospital; and

(b) whether the proposed alteration or renovation will or will likely result in a contravention of this Act or the regulations or of any other Act or regulation that applies to a private hospital or of any municipal by-law related to the proposed alteration or renovation. R.S.O. 1990, c. P.24, s. 22 (5).

Number of patients not to be increased

(6)  The number of patients that is permitted by the licence issued under this Act in respect of a private hospital shall not be increased as the result of any alteration or renovation of the house that is used as the private hospital. R.S.O. 1990, c. P.24, s. 22 (6).

Inspectors

**23** (1)  The Minister may designate one or more officers of the Ministry to be inspectors for the purposes of this Act and the regulations. R.S.O. 1990, c. P.24, s. 23 (1).

Inspection

(2)  Every private hospital and its registers and records shall at all times be open to inspection by an inspector. R.S.O. 1990, c. P.24, s. 23 (2).

Inspector may enter unlicensed premises

(3)  Where an inspector believes or suspects that any house is used as a private hospital without being licensed, he or she may at any time and from time to time enter and inspect such house and every part thereof, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on conviction is liable to a fine of not more than $1,000. R.S.O. 1990, c. P.24, s. 23 (3).

Use of licensed hospitals

**24** (1)  A private hospital shall not be used for any purpose other than the purposes in respect of which the licence is issued and purposes incidental thereto. R.S.O. 1990, c. P.24, s. 24 (1).

Offence

(2)  Where a private hospital is used in any manner contrary to subsection (1), the licensee and the superintendent are severally guilty of an offence and on conviction are each liable to a fine of not more than $50 for every day during which it is so used. R.S.O. 1990, c. P.24, s. 24 (2).

Reception of more than authorized number of patients

**25** Where a private hospital is used at any time for the treatment of a greater number of patients than is permitted by the licence, except in the case of emergency, or where a patient of a class not permitted by the licence is admitted, the licensee and the superintendent are severally guilty of an offence and on conviction are each liable to a fine of not more than $50 for every day during which it is so used or the patient is so admitted. R.S.O. 1990, c. P.24, s. 25.

General offence

**26** Every person who contravenes any provision of this Act or the regulations, where a penalty is not otherwise provided, is guilty of an offence and on conviction is liable to a fine of not less than $50 and not more than $1,000. R.S.O. 1990, c. P.24, s. 26.

Burden of proof in prosecutions

**27** (1)  In a prosecution for an offence under this Act, the burden of proving that a person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act is upon the person charged. R.S.O. 1990, c. P.24, s. 27 (1).

Idem

(2)  In a prosecution for an offence under this Act, the burden of proving that a licence is in force and its terms and that a person apparently having the charge, control or management of a private hospital is not the superintendent thereof within the meaning of this Act is upon the person charged. R.S.O. 1990, c. P.24, s. 27 (2).

**28-31** Repealed: 1997, c. 15, s. 15 (2).

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

1997, c. 15, s. 15 (2) - 10/10/1997

Who to be deemed occupier for certain purposes

**32** (1)  The superintendent of a private hospital shall be deemed to be the occupier of the house for the purpose of giving notice under the Health Protection and Promotion Act of any patient found or suspected to be suffering from any communicable disease. R.S.O. 1990, c. P.24, s. 32 (1).

Idem

(2)  The superintendent of a private hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under the Vital Statistics Act of the death of any person or of the birth of any child in the hospital. R.S.O. 1990, c. P.24, s. 32 (2).

Regulations

**33** (1)  The Lieutenant Governor in Council may make such regulations with respect to private hospitals as are considered necessary for,

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

(b) their classifications, grades and standards;

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

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

(e) prescribing the powers and duties of inspectors;

(f) prescribing or restricting the type and amount of surgery, gynaecology or obstetrics that may be performed in any class of private hospital and the facilities and equipment that shall be provided for such purposes;

(g) the admission, treatment, care, conduct, discipline and discharge of patients, and for prohibiting the admission of any class of patients;

(h) the classification of patients and the rates and charges for patients;

(i) the records, books, accounting systems, audits, reports and returns to be made and kept;

(j) the establishment and operation of periodic medical audits of the work performed in private hospitals;

(k) prescribing the matters upon which by-laws must be passed by corporations that operate private hospitals;

(l) the reports and returns to be submitted to the Minister by private hospitals;

(m) defining words and terms used in this Act and the regulations for the purposes of this Act and the regulations;

(n) all matters affecting private hospitals. R.S.O. 1990, c. P.24, s. 33 (1).

Idem

(2)  The Minister may from time to time declare all or any of the regulations to be in force with respect to all private hospitals or any one or more private hospitals or classes thereof and for such time or times as the Minister considers expedient. R.S.O. 1990, c. P.24, s. 33 (2).

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

[2017, c. 25, Sched. 9, s. 110 (4)](http://www.ontario.ca/laws/statute/S17025" \l "sched9s110s4) - no effect - see [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67) - 18/05/2023

[2019, c. 5, Sched. 3, s. 18 (3)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s18s3) - not in force

[2021, c. 2, Sched. 2, s. 11](http://www.ontario.ca/laws/statute/S21002" \l "sched2s11) - 12/04/2021; [2021, c. 39, Sched. 2, s. 21](http://www.ontario.ca/laws/statute/S21039" \l "sched2s21) - not in force

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