

AGREEMENT made this 19th. day of AUGUST , 1987

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE
PROVINCE OF ONTARIO as represented by the
Minister of Housing

(hereinafter called the "Minister")

OF THE FIRST PART

- and -

THE CORPORATION OF THE

(hereinafter called the "Agent")

OF THE SECOND PART

WHEREAS

- (1) The Minister desires to make loans to assist disabled homeowners or homeowners with disabled dependents or family members in undertaking the necessary modifications to their homes under the Ontario Home Renewal Program for Disabled Persons.
- (2) The Minister and the Agent have agreed that the Agent will act as a delivery Agent for the Minister in the delivery of the Program in the manner and to the extent set out in this agreement, the parties agree as follows:

1. Description of Program

The Ontario Home Renewal Program for Disabled Persons (referred to in this Agreement as the Program) is designed to assist disabled homeowners or homeowners with disabled dependents or family members living permanently with them in undertaking the necessary modifications to their homes to enable the disabled occupant to gain access and live within that dwelling and community, safely and independently. Modifications include any change to a dwelling unit including an addition (provided such addition does not result in the creation of a self-contained unit) designed to make the built environment more accessible for a disabled person.

2. Responsibilities of the Agent

For the consideration set out in this Agreement the Agent shall participate in the Program and shall on behalf of and as agent for the Minister perform the Services more particularly described in this Agreement and as set out in Schedule A, in accordance with guidelines of the Program.

3. The Service

The Service shall be as described in this part.

- 3.1 The processing of each loan application and inspection of each property for the purpose of the Program including:

- (a) causing such administrators and inspectors as the Agent deems necessary to attend orientation seminars of the Minister for the purpose of explaining the Program and handling inquiries from and the distribution of information to the public about the Program;
- (b) receiving and completing preliminary applications, verifying ownership from assessment rolls or other means assessing the suitability of each applicant and explaining the Program and arranging for an inspection of the property to be modified to make the built environment more accessible and usable for a disabled person.
- (c) performing a detailed interior and exterior inspection if the building is not up to standard;
 - (i) to identify the repairs required to bring the project up to the standards of the Maintenance and Occupancy by-law or the conventional Ontario Home Renewal Program's Guide for Residential Standards as set out in Schedule B;
- (d) preparing a proposal containing the owner's work schedule and discussing completion with the applicant;
- (e) explaining;
 - (i) the role of the technical experts in the field to assist applicants in determining appropriate modifications for the disabled. This is to ensure that the disabled individual's needs, and the required housing modifications to meet these needs, which may change during the course of their lives, are understood and provided for;
 - (ii) to the applicant that the cost of this professional consultation/design will be included as part of the loan amount for successful applications up to the maximum loan allowable; where the application is not successful, the Ministry of Housing will incur the cost of these professional fees. These will be based on fees charged at the low-moderate end of the appropriate professional fee schedule. Professional fees incurred by the homeowner, above and beyond these amounts shall not be paid out by the Ministry of Housing.
 - (iii) to the applicant that information will be required on any other funding received from the Federal Government or other provincial programs towards the modifications of the dwelling unit under application. This is to avoid duplication of funding for the same work.
- (f) ensure that the part of the work proposed to accomplish the modifications which are eligible for Provincial funding under this program does not result in the creation of a self-contained unit, and does not include

pieces of equipment which are personal assistive devices, or portable equipment, but does include all mobility aids which are permanent fixtures attached to the house. All modifications must be housing-specific and must be related to the disabled occupant's disability.

- (g) advising local contractors how the Program works;
- (h) reviewing contractor's estimates and completing application documents;
- (i) completing the final application and conditionally approving or rejecting such application before forwarding it to the Ministry of Housing;
- (j) ensuring that the applicant has arranged financing for the applicant's share of the work over and above the financing under this Program, if applicant requires it;

3.2 The administration of each loan for the purpose of the Program includes the following:

- (a) conducting inspections before, during the progress of construction and after to ensure that the work is in accordance with the Program requirements.
- (b) recommending to the Minister the advances to be made from time to time on the loan;
- (c) preparing any revisions to the work write-ups during construction, if permitted by the Program;
- (d) upon a final inspection, recommending a final advance of the loan.

3.3(1) The Agent shall not publish any literature or other information or material in respect of the Program without first obtaining consent of the Minister.

3.3(2) The Agent shall ensure that any literature or other information as in subsection (1) above published by the Agent must contain reference to the assistance provided by the Minister with respect to the Program and where there is a significant demand such literature or other information shall appear in a unilingual format in both French and English where available.

3.3(3) The Minister may at any time and from time to time upon giving written notice to the Agent, amend or change the schedules to this Agreement or any of them.

3.4 The Agent shall co-operate with the Minister in evaluating the Program and shall on request of the Minister participate in reviews of the Program.

4. Fees

4.1 The Minister shall pay to the Agent for the Services the fees and disbursements in the amounts and in the manner set out in Schedule "A".

5. Termination

5.1 Either the Minister or the Agent may terminate this Agreement with or without giving any reasons therefore by giving 90 days notice in writing of such termination and in such case the Minister may apportion any fees payable to the Agent and pay them within two months, and the Agent shall provide the Minister with all records dealing with the Program and with all other information in the Agent's possession that the Minister may require.

5.2 In the event of termination except for fraud or gross negligence, neither party will have any right of action or otherwise against the other, except as set out in Section 5.1.

6. Indemnification

The Minister shall indemnify the Agent from all claims for damages arising from the Agreement for which the Agent is legally liable in respect of the Program, except those arising from fraud or gross negligence of the Agent, its officers, servants, or employees.

7. Form of Loan

Forms respecting the loan shall be prescribed by the Minister from time to time and shall be effective from the time such form is delivered to the Agent.

IN WITNESS WHEREOF the parties have signed this document under seal.

THE CORPORATION OF THE TOWN OF PELHAM

E.S. Bergensten
Mary Hobbs

HER MAJESTY THE QUEEN IN RIGHT OF
 THE PROVINCE OF ONTARIO as
 represented by the Minister of
 Housing

[Signature]
[Signature]

SCHEDULE A

The following schedule will be used to determine appropriate administration fees for participating municipalities under the Ontario Home Renewal Program for Disabled Persons:

Partial Payments

Where specific steps have been completed by the municipality but the applicant does not proceed through the program for whatever reason, then the following fees will apply for each respective administrative step:

General Administration (includes: completion of application, preliminary title search and all office work related to the applicant)	\$295.00
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Initial Inspection and Work Write-up	\$175.00
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Progress and Final Inspections (during modifications)	\$230.00
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Full Payments

For applications that have successfully been processed and where final advances have been issued.

All Delivery functions	\$700.00
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SCHEDULE B

OHRP GUIDE FOR RESIDENTIAL STANDARDS

HEATING

- 1) There should be available to every dwelling a suitable heating facility that is properly maintained in such a manner as to be capable of providing throughout the year an inside temperature of not less than 17 C in all habitable rooms, bathrooms and toilet rooms.
- 2) All heating facilities should be properly installed and maintained in safe and good working conditions, and should be capable of safely and adequate supplying the required heat.
- 3) Doors and windows should be of such a construction as to prevent drafts and minimize heat losses through infiltration of outside cold air in the cold weather season.
- 4) No appliance for heating by gas should be installed in a room intended to be used for sleeping purposes.
- 5) Every heating appliance using solid, liquid or gas fuel should be connected to a suitable chimney or flue to withdraw safely all products of combustion in accordance with the applicable regulations.
- 6) All fuel-burning appliances should be installed in accordance with "The Energy Act".
- 7) Thermal insulation of buildings to minimize heat losses should be done in accordance with the provisions of the Ontario Building Code, by installers certified by the Canadian General Standards Board (CGSB).

PLUMBING

- 1) Every dwelling should be provided with an adequate supply of potable water approved by the Medical Officer of Health.
- 2) All plumbing, including every drain pipe, water pipe, water closet and other plumbing fixtures in a dwelling and every connecting line to the sewerage system should be maintained in good working order and free from leaks and defects, and all water pipes and appurtenances thereto should be protected from freezing.
- 3) Every dwelling unit to which water is available under pressure through piping should contain plumbing fixtures consisting of at least:
 - a) a toilet,
 - b) a washbasin,
 - c) a bathtub or shower, and
 - d) a kitchen sink.

ELECTRICAL SERVICES

- 1) Where electrical power is available, every dwelling should be provided with an adequate supply of electric power, and with electrical facilities having ample capacity to meet all anticipated electrical uses without being overloaded.

- 2) Electrical wiring and equipment should be installed in conformity with the regulations of the Hydro Electric Power Commission of Ontario, and should be maintained so as not to be a potential source of fire or electric shock. Suitably rated overcurrent devices should be used to protect electrical wiring and equipment.
- 3) An electrical light fixture should be installed in every bathroom, toilet room, kitchen and kitchenette, laundry room, furnace room, hall and in a stairway which is not otherwise lighted.
- 4) Electrical outlets should be located as far away as practical from a bathtub or shower.
- 5) Switches for turning on one light in each room or passageway should be conveniently located so as to permit the area ahead to be lighted.

HEALTH AND SAFETY STANDARDS

- 1) Properties should be kept clean and free from rubbish or other debris and from objects or conditions which might create a health, fire or accident hazard.
- 2) Sewage of any kind should not be discharged onto the surface of the ground. Sewage or organic waste should be discharged into a sewerage system where such a system exists. Where a sewerage system does not exist, sewage or organic waste should be disposed of in a manner acceptable to the Ministry of the Environment or the local Health unit having jurisdiction.
- 3) A dwelling should be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1973, Chapter 25, and all regulations passed pursuant thereto.
- 4) Every floor, wall, ceiling and fixture in a dwelling should be maintained in a clean and sanitary condition, and the dwelling shall be kept free from rubbish, debris or conditions which constitute a fire, accident or health hazard.
- 5) Every dwelling unit should have no fewer than two non-constructed and approved means of egress located as far apart as possible from one another and leading to safe and open space at ground level. The egress from each dwelling unit should be provided without passing through any other dwelling unit or a furnace room.
- 6) An approved fire alarm system should be provided in every building of 3 stories or more in building height, or where sleeping accommodation is provided for 10 or more persons.

This system need not be provided in buildings of 2 stories or less where each dwelling or dwelling unit has direct access to outdoors at ground level, or in buildings having one or two dwelling units.

- 7) Fuel oil and any other combustible or flammable material should be stored and located so as not to be a hazard to the premises or surrounding property.
- 8) All garbage, refuse and ashes should be disposed of in a manner acceptable to the Medical Officer of Health.