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## Report 2025-100

**Report Title:** Town of Cobourg Emergency Care Establishment (ECE)  
Inspection Results

**Committee Name:** Social Services

**Committee Meeting Date:** May 7, 2025

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Community and Social Services

**Reviewed by:** Glenn Dees  
Director, Health and Human Services  
Community and Social Services

**Approved by:** Jennifer Moore, CAO

**Council Meeting Date:** May 21, 2025

**Strategic Plan Priorities:** ☐ Innovate for Service Excellence  
☐ Ignite Economic Opportunity  
☒ Foster a Thriving Community  
☐ Propel Sustainable Growth  
☐ Champion a Vibrant Future

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### Information Report

**“That** the Social Services Committee, receive Report 2025-100 ‘Town of Cobourg Emergency Care Establishment Inspection Results, for information; and

**Further That** the Committee recommend that County Council receive this report for information.”

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### Purpose

The purpose of this report is to provide an update to County Council on the results from the February 11, 2025 inspection by the Town of Cobourg By-law department under the Emergency Care Establishment (ECE) By-law. This report was delayed in being brought forward as County

staff were awaiting confirmation from the Town of Cobourg on the County's response to items identified at the inspection.

## **Background**

On February 14, 2025, the County was notified of the results of an Emergency Care Establishment (ECE) compliance inspection carried out at 310 Division Street on February 11, 2025, at 2:30 p.m. The County was not previously provided notice of this inspection despite holding an ECE license for this property.

## ***Results from February 11 inspection:***

The inspection results were emailed to Transition House and the County on February 14, 2025, the Town requested that these items be reviewed and that a follow up inspection would be scheduled in two weeks' time.

The inspection noted (directly quoted from email):

## **Interior Inspection**

Overall, common rooms and resident rooms appeared in good condition, relatively clean and free of debris and maintenance issues. The basement appeared to be clean and dry. Licences were posted as required.

The tour did reveal a few maintenance issues.

1. The ceiling at West Entrance Doors showed peeling paint. In addition, there is a concern that the electrical outlet located at this ceiling level should be a GFCI receptacle as it could be exposed to moisture penetrating through doors.
2. The vents throughout your facility require cleaning.

## **Security**

The biggest area of concern was Security. There appeared to be a lack of access control by the main entrance. The area did not appear to be monitored consistently throughout our interior inspection. Several residents were observed opening the door for other persons, permitting them access without any control measures, resulting in no contraband searches for these persons. The Inspection Team entered without any staff assistance as did other persons at the time. It should be noted that Town of Cobourg emergency response crews responded to an overdose incident at 310 Division Street, less than one hour after Municipal Law Enforcement & Licensing Services Department concluded the compliance inspection.

## **Warming Room**

In addition, several people were observed sleeping in the warming room which is not in compliance with the approved Fire Safety Plan. This has been the subject of at least one complaint to the Town and needs to be monitored for compliance by ECE staff. The occupancy load for your warming room is 20 persons. With lack of access control, this occupancy load could easily be exceeded. The Town is requesting daily report data identifying the number of occupants at the following times of day: 3 am; 7 am; 11 pm.

## **Animal Control**

Staff stated four dogs are currently on premises and your organization was expecting six dogs. We observed one dog entering the facility and later during inspection, the same dog was observed in a crate in a resident room. We could not confirm that dog was licensed as no tag was observed. Other dogs could be heard throughout facility, but they were located in closed door rooms that could not be accessed during our inspection. As per Town of Cobourg Animal Control Bylaw, please provide licensing and vaccination information for the animals currently on site.

## **Exterior Inspection**

### **Security**

The Town has received complaints regarding residents loitering on public and private property (including elements of trespass, littering, noise, and nuisance) with the added concern that this loitering was flagrant and often included drug use. It should be a priority to move persons along to avoid conflicts with patrons of businesses and detracting from the surrounding neighbourhood. Our Municipal Law Enforcement Officers and Police Officers have this authority. Your Security staff may not feel they have authority to do so, however, they can and should engage your residents and request the person to move along, or Municipal Law Enforcement should be contacted. We have been advised that your Security Staff have been given the authorization to act as agents to enforce Trespassing on Private Property, along with our Municipal Law Enforcement Officers and Police Officers, however, your Security Staff does not seem to be actively addressing this, and they should in instances of plain view involving residents of 310 Division. One recently reported incident involved a resident who was laying on the sidewalk with his head on the street for forty minutes, directly in front of the clinic opposite to your facility, in clear view of your facility. It was suggested that no action was taken by your Security services nor facility staff. We strongly suggest a static post at the front of your facility to address these loitering and trespassing incidents, or more frequent monitoring. The Town is requesting copies of post orders currently being utilized by security for the premises in relation to their patrol of the premises and adjacent areas as well as the shift compliment for days/afternoons and overnights.

### **Building Maintenance**

The following deficiencies were noted on the exterior of the building.

1. The exterior electrical receptacle on front of building/West exterior wall was not securely fastened to structure.
2. The metal pole extending from the front of the building on the West exterior wall is located above the existing fire hose coupling. If this pole is no longer required/purposed, it should be removed as it could pose a hazard/danger to persons in the area or firefighters accessing hose couplings.
3. The exterior dryer vents on the South side exterior wall require cleaning.
4. The wire mesh below the mechanical metal apparatus intake on the South side exterior wall is hanging loose potentially permitting entry of birds or vermin. The mesh should be replaced/secured.
5. The graffiti on the south wall by the main entrance must be removed/painted over.

### **Parking Area**

There is significant litter throughout the parking area, including several piles of scrap wood, insulation, and other debris piled against walls of parking area. There is an abundance of cigarette butts by the front entrance ramp and around several pillars in parking area. In accordance with your Lot Maintenance plan and applicable provisions in the Town By-laws regarding litter and waste you are required to remove the waste and maintain the area in a clean and compliant manner.

### **Accessible Parking Aisle in Parking Area**

There exists a post affixed to the rear wall which appears to be identifying a specific parking aisle as an Accessible Parking Aisle. However, the sign is not centered within the space and the Accessible Parking Aisle must also be identified by a marking on the ground. The Inspection Team observed a vehicle without an Accessible Permit displayed parking in this space. If this space is to be used as your designated accessible parking the space must be identified appropriately.

### **Smoking Area**

Several people were observed smoking in areas other than the designated smoking area. One person was observed sitting and smoking on the accessible ramp at the front entrance and others throughout the garage area. Security, when available, did caution the individuals in the garage; however, this could be better addressed with a static exterior security post or more frequent monitoring. The cigarette butt container was overflowing. Several cigarette butts were strewn throughout area. This area has been a significant source of concern regarding noise and nuisance during late hours. The Town is requesting copies of any protocols/security post orders/supervisory directives controlling activities in this area and during which times these may be applicable and more specifically past the hours of 9pm.

### ***County staff's response to inspection results and request for clarification:***

On February 14, 2025, County staff asked for clarification from Town of Cobourg staff on the inspection conducted on February 11, 2025, and whether it was related to the County's ECE license as we had not been notified. On the same date (Feb. 14), Town of Cobourg staff confirmed that the compliance inspection was scheduled with the ECE operator and that the County was copied as an interested party and the relationship of the license.

On February 19, 2025, County staff followed up with Town staff after reviewing the findings of the inspection and requested clarification on the inspection. The specific items where clarification was sought include (direct quotes from email):

### **Involvement from the County**

The County appreciates the position of the Town of Cobourg in respect to the difference between owner and operator of an ECE. However, during the application process for ECE license with the Town it was made clear to the County that the Town's By-law does not differentiate between owners and operators which led to the County applying for an ECE license in duplicate to Transition House. Further, as the inspection considered issues like condition of the building and/or compliance with other by-laws such as noise or property standards under which the owner is liable, the County believes it is reasonable to expect that it receives notice and offer the County the opportunity to be present during the inspection. The County is disappointed that we were not included in the inspection, as if we had been, we might have been able to address some of the items noted immediately. We respectfully

request that moving forward the County is notified and offered the opportunity to be present for any future inspections.

### **Jurisdiction of Items Noted**

In order for the County to be able to address items noted in the inspection, the County is requesting code/legislation references for all items listed. This will support our full understanding and ability to address the items within the framework of the relevant codes/legislation.

In addition, it appears that in some instances the Town is relying on third party complaints that they have had access to for some time yet have not reached out to the County for a coordinated response in these areas. The County remains a willing partner to work together to proactively support the successful integration of 310 Division Street into the neighbourhood. The County would also like to caution about assumptions being made about medical information of clients of Transition House as it was not a drug overdose that required an emergency response.

### **Clarification on action requested**

The County notes that throughout the email sent language shifts from 'should', 'consider', 'strongly suggest', 'require', and 'must'.

Please confirm which items are, in the Town's view, violations of the by-law, rather than suggestions from Town staff?

### **Clarity in Town identified issues**

1. **Occupancy Load:** The County is seeking clarity on the occupancy load of the main floor on 310.

In the email sent by the Town it is noted that the occupancy load is 20 in the warming room. It is the County's understanding that the fire code occupancy is the occupancy number we should be working with. I understand that in a February 3, 2025 meeting between County staff (Glenn Dees and Bill Smith) and Town staff, including yourself, Director Larmer, CAO Vaughan and A. Fire Chief Ashfield - Town staff confirmed that the occupancy number that should be used for 310 occupancy is the fire code occupancy number and that no action would be needed as it relates to the ECE bylaw should there be a need to increase the occupancy beyond what was referenced in the ECE application made by Transition House and the County.

Please confirm that the occupancy load under the Fire Code is the correct maximum occupancy load.

2. **Expectations that the County and Transition House are acting reasonably:** The County has been assured by Town staff that the expectation for compliance is that the County acts reasonable in cooperating with the Town.

The County believes that it has acted in good faith and reasonably in addressing concerns from neighbours and partners. For example, our data shows that calls into our 24/7 call centre for concerns relating to the ECE and compliance issues, demonstrate that all reported issues are responded to in less than 4 minutes and are resolved within 13 minutes. Further, Transition House has confirmed that the cigarette butt receptacle is

emptied once a day, it is our view that these are reasonable responses to the by-law. These are two examples of where the County and Transition House have demonstrated reasonable responses and actions to support the successful integration of 310 Division Street in the community.

3. **County hired security:** The County would also like to clarify that we have not approved County-funded security to be an agent on private property while on duty to ensure full compliance with security requirements of the ECE by-law.

### ***Clarification from the Town of Cobourg***

On February 25, 2025, the Town issued a response to the clarification sought and requested documentation be received by March 3, 2025 at 4:00 p.m. This includes direct quotes from the email communication:

1. **Involvement from the County** – The Town’s ECE by-law specifically differentiates between “ECE Operator” and “Owner” and while the former is specific to the registered owner of the property the latter includes such persons who provide services, manages, has responsibility or control of the ECE or the activities carried on there. Going forward, the Town will be happy to offer the opportunity for the County to be present during future scheduled inspections for which MLELS desires contact with both the ECE Operator and Owner.
2. **Jurisdiction of Items Noted** – I can advise you that Municipal Law Enforcement and Licensing Services approach to enforcement is consistent with the Town’s Enforcement By-law (attached) and may cause enforcement to be undertaken by such means as may result in compliance with the Municipal Standard as efficiently and effectively as possible including by request as was the intention of our initial message. For the purpose of this response and in the interest of being brief at this stage, the items noted may be categorized in 4 areas of by-law regulation and include, Property Enforcement, Licensing Enforcement, Parking Enforcement and Animal Enforcement. The Town’s ECE by-law requires a person who receives a licence to comply with the regulations and all municipal by-laws. At the time of the inspection the premises and circumstance was determined to be in violation (not in compliance) and more specifically may be described as deficient with respect to lot maintenance (owner/occupant permit waste on a lot) property standards (general duty to repair and maintain, keeping of yards in neat and tidy condition, removal of graffiti), parking standards (marking and use of accessible parking spaces), animal control (number of animals, licensing and vaccination status). I have generalized violations and for additional reference to sections, the applicable by-laws are available on the Town’s website [Landing Page](#). If AMPS or Orders become necessary to encourage compliance, each violation will be sufficiently described and in accordance with applicable law. As indicated, the purpose of the inspection and the subsequent message below was to engage with the person(s) who most readily identify as being a person who provides services and manages, has responsibility or control of the ECE or the activities carried on there to discuss and address those issues in a prompt and effective manner. Your comments in relation to [original inspection email] with respect to language shifts from ‘should’, ‘consider’, ‘strongly suggest’, ‘require’, and ‘must’ are consistent with Municipal Law Enforcement’s approach at this stage to engage and encourage compliance rather than simply skip to escalated enforcement measures. Again, the Town’s approach is both genuine and sincere and in alignment with your comments regarding the County’s intentions of acting reasonably and in

cooperation with the Town. To illustrate, I strongly suggest that while you have indicated that it was confirmed the cigarette butt receptacle is emptied once a day, the fact that it was crammed full, overflowing and cigarette butts littered several areas including outside of the smoking area that it would be reasonable and that you should have it maintained as often as necessary perhaps multiple times each day to avoid violations and subsequent Penalties or Orders. Similarly, I appreciate you sharing the data in which you state, *“our data shows that calls into our 24/7 call centre for concerns relating to the ECE and compliance issues, demonstrate that all reported issues are responded to in less than 4 minutes and are resolved within 13 minutes”*. Members of the public and individual members of Council may make complaints to the Town regarding alleged contraventions of Municipal Standards. Correspondingly, the ECE By-law requires a licensee to have policies and procedures to mitigate impacts and maintain safety of neighbouring residents as well as the provision of on-site and mobile security (sec. 6.1(ii)(iii)). While you have stated that the County has acted in good faith and reasonably in addressing concerns from neighbours and partners, I am concerned that recent reports from members of the public and direct response to calls by MLEO's indicates this is an aspect where significant review and improvement is necessary including providing follow up to those issues for persons who have contacted the centre. I would strongly suggest a more proactive and comprehensive approach to avoid subsequent Penalties or Orders.

- 2. Occupancy Load & The Warming Room** – Regarding your questions involving clarification about occupancy load; Municipal Law Enforcement and Licensing Services comments were directly related and relevant to the information submitted with the ECE Application, the conditions of holding a license and evidence noted upon our inspection. While your message infers that the occupancy load pursuant to the Fire Code should be used I can advise that the building department sets the occupancy load by way of an architect and approved building permit application. Correspondingly, the fire safety plan reflects what was approved by the building plans. That information is reflective of the entire first floor which consists of various areas including but not limited to an area for computer workstations, dining area seating, a commercial kitchen, a security office and a warming space. The total main floor area capacity is 50 people. In the ECE application submitted for review, for which a licence was desired to be granted based on that information, a document was provided which outlines the shelter's total capacity, segmented by programs and floors. Further it was indicated that this breakdown as submitted was a crucial tool for managing shelter operations efficiently, ensuring to maximize capacity while maintaining a safe and supportive environment for all residents. The capacity for the 24-hour hub warming area on the main floor was specified with a capacity up to 20. The entire capacity for the total main floor area of 50 people cannot be utilized for the warming room on its own. Further, the fact that upon inspection this area was observed as to be permitting entry with uncontrolled access for which the Town then has a concern involving capacity and control of the space and further that persons were observed sleeping in contravention of the approved fire plan is relevant to the ECE application, the conditions of holding a licence and subject to subsequent enforcement efforts. I strongly encourage adherence to the operation of the facility in the manner as submitted in the application and for which a licence was granted and to avoid subsequent Penalties or Orders. This is consistent with the ECE licence condition requirements pursuant to sec. 7.1(a) and in addition to other requirements of the by-law requires that ECE Operators must notify the Town of any changes to the information provided at the time of licence application or renewal.

4. **General Direction/Clarification** – For additional reference and to be very clear and in conjunction with the message below I require the following information/documents and I am requesting their production in a reasonable and prompt fashion in accordance with the direction in the initial message dated Feb. 14<sup>th</sup>, 2025, the ECE Licence Application, the Licence Conditions and Inspection provisions no later than March 03<sup>rd</sup> at 4 pm.

- a. Daily report data identifying the number of occupants at the following times of day: 3 a.m.; 7 a.m.; 11 p.m..
- b. Dog licensing and vaccination information for the animals currently housed on site.
- c. Copies of post orders currently being utilized by security for the premises in relation to their patrol of the premises and adjacent areas as well as the shift compliment for days/afternoons and overnights.

### **Consultations**

In response to the request from the Town of Cobourg under the ECE compliance inspection, County staff consulted internally with the Departments of Public Works, Legislative Services, and the Chief Administration Officer. External consultations were conducted with Transition House and Investigative Integrity Solutions Inc., (contracted security provider), and the Town of Cobourg staff.

### **Legislative Authority / Risk Considerations**

Authority for this inspection is under the Town of Cobourg's Emergency Care Establishment By-law. This was the first inspection undertaken at 310 Division Street. As a new by-law, County staff requested significant clarification from town staff in order to clarify responses and actions needed to be taken.

In its response, the County considered risk and sought to respond in a reasonable manner which has been the understanding of the Town's intended outcome of the by-law. The County ensured that privacy and dignity of clients and staff at 310 Division Street were considered in the response and actions taken.

### **Discussion / Options**

Both the County and Transition House provided the requested information to the Town before the required deadline. On March 3, 2025 at 2:56 p.m. the County formally responded to the Town. In this response the County provided a confidential copy of the standard operating procedures used by Security and confirmed the security shift compliment as requested along with responding to all areas of concern raised.

The other documents requested by the Town – daily report data, occupant count and dog license and vaccination information was provided by Transition House. Transition House has provided the Town's by-law department with a copy of the requested daily occupancy records on a weekly basis (3:00 a.m., 7:00 a.m., and 11:00 p.m.). Transition House also confirmed their process for verifying vaccination and licensing of dogs on site and confirmed that all dogs on site were vaccinated and license. Transition House responded to the Town on March 3, 2025 at 2:53 p.m.



In addition to these items, the County reviewed the email sent on February 14, 2025, and have addressed these items as well, and shared the results of this broken into themes with the Town, as outlined below:

***Maintenance:***

1. Inspectors noted ceiling at West Entrance Doors showed peeling paint
  - ADDRESSED, see attachment 1 - before and after pictures.
2. Inspectors noted electrical outlet located at ceiling should be a GFCI receptacle (West Entrance Doors) as it could be exposed to moisture penetrating through the doors
  - No action taken, County Public Works has confirmed that a GFCI is not required at this location. If the Town of Cobourg is able to provide a code reference that requires this to be changed, please let me know.
3. Inspectors noted that vents throughout facility require cleaning
  - It is my understanding that the inspectors viewed the vents on the main floor, vents inspected by Inspectors have been cleaned.
  - Transition House will be addressing ongoing maintenance in their response
  - ADDRESSED, see attachment 1 - before and after pictures.
4. Inspectors noted that the exterior electrical receptacle on front of building/west exterior wall was not securely fastened to structure
  - ADDRESSED, see attachment 1 - before and after pictures
5. Inspectors noted that exterior dryer vents on south side exterior wall require cleaning
  - ADDRESSED, see attachment 1 - before and after pictures
6. Inspectors noted that wire mesh below mechanical metal apparatus intake on south side exterior wall is hanging loose potentially permitting entry of birds or vermin - mesh should be replaced/secured
  - ADDRESSED, see attachment 1 - before and after pictures.
7. Inspectors noted that graffiti on south wall by main entrance must be removed/painted over
  - I would like to note that this graffiti has been on the wall since prior to the County purchasing the building and has not been brought forward as an issue before the inspection on February 11.
  - ADDRESSED, see attachment 1 - before and after pictures.
8. Inspectors noted that there was litter throughout parking area, including several piles of scrap wood, insulation and other debris piled against walls of parking area; cigarette butts by front entrance ramp and around several pillars in parking area - required to remove waste and maintain area in a clean and compliant manner.
  - The area is cleaned on a regular basis, and has been cleaned again since the inspection.

- Transition House will be addressing ongoing maintenance in their response
9. Inspectors noted that the cigarette butt container overflowing, several cigarette butts strewn through the area
- The smoking area is cleaned daily and cigarette butts are emptied daily.
  - Transition House will be addressing ongoing maintenance in their response.
10. Inspectors noted a metal pole extending from front of building on the west exterior wall located above the existing fire hose coupling. Inspectors noted that if it was no longer required it should be removed as it could pose a hazard/danger to persons in the area or firefighters accessing hose couplings
- I would like to note that this is a flag pole and a flag has been replaced on the pole.
  - ADDRESSED, see attachment 1 - before and after pictures

### ***Interior Security***

The inspectors noted an apparent lack of access control by the main entrance. They also noted that an 'overdose' happened an hour after inspectors left the premises.

- Transition House will be addressing additional protocols being put in place to support clear access control of the building.
- The County has implemented with security a more stringent visitor/guest policy.

### ***Exterior Security***

The inspectors noted that: "Your Security staff may not feel they have authority to do so, however, they can and should engage your residents and request the person to move along, or Municipal Law Enforcement should be contacted. We have been advised that your Security Staff have been given the authorization to act as agents to enforce Trespassing on Private Property, along with our Municipal Law Enforcement Officers and Police Officers, however, your Security Staff does not seem to be actively addressing this, and they should in instances of plain view involving residents of 310 Division".

- The County would also like to clarify that we have not approved County-funded security to act as an agent for private property owners while performing their contracted duties for the County to ensure full compliance with security requirements of the ECE by-law.
- Our data shows that calls into our 24/7 call centre for concerns relating to the ECE and compliance issues, demonstrate that all reported issues are responded to in less than 4 minutes and are resolved within 13 minutes.
- Our security staff can and do interact with known clients of 310 Division Street on a daily basis, asking them to move along if appropriate, ensuring that individuals who may be experiencing homelessness are aware of the services offered at 310 Division. When asked to move along, individuals typically respond quickly and cooperatively. It is important to note that contracted security does not have the authority to remove someone from public property.
- The County remains a partner to support the successful integration of 310 Division Street into the community.
- Contracted security has been made aware that Cobourg's Municipal Law Enforcement and Licensing Services are available as a resource where individuals may be

contravening by-laws, and will exercise their judgment in all circumstances to determine the steps required to address issues.

Inspectors requested copies of post orders and shift complements

- The County has provided this confidential information above.

### **Occupancy**

- Transition House has addressed this concern with the Town.

There has been no communication from the Town of Cobourg's Municipal Law Enforcement Department regarding this response or to schedule a follow-up inspection.

County staff have not reported outcomes of the inspection to County Council as staff were waiting for correspondence from the Town of Cobourg to confirm the resolution of this inspection and to ensure that working relationships remained intact with Town staff. However, over the weekend of April 4, 2025, County staff became aware through social media and local media that the Town had released some information on the inspection through a Freedom of Information Request. The County had not been informed of this as a third party and the County's response and correspondence on the inspection was also not released.

### **Financial Impact**

N/A

### **Member Municipality Impacts**

The Town of Cobourg Municipal Law Enforcement Office conducted the inspection.

### **Conclusion / Outcomes**

It is recommended that County Council receive this report for information.

### **Attachments**

1. Report 2025-100 ATTACH 1 'Before and After Pictures'