

INFORMATION YOU SHOULD KNOW IF YOU LIVE IN A RETIREMENT HOME

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*This article was originally published in ACE'S Spring 2012 Newsletter
which is available at www.ancelaw.ca*

If you live in a retirement home, you need to know about the *Retirement Homes Act*¹ (*RHA*) – new legislation that affects your rights as a tenant in this type of rental accommodation.

Section 2(1) of the *RHA* defines “retirement homes” as: “a residential complex or the part of a residential complex,

- (a) that is **occupied primarily by persons who are 65 years of age or older,**
- (b) that is occupied or intended to be occupied by at least the **prescribed number of persons who are not related to the operator of the home,** and
- (c) where the operator of the home **makes at least two care services available, directly or indirectly, to the resident.**”
[emphasis added]

The “prescribed number” referred to in subsection 2(1)(b) is six (6) seniors. In plain language this means that “retirement homes” are rental accommodations in which a person can rent a room, part of a room, or an apartment and can also contract for various types of care services such as: meals, nursing care, assistance with activities of daily living or assistance with medication, to name a few.

Even if the place you live in doesn’t call itself a “retirement home”, it may still be required to comply with this legislation.

By July 1, 2012, operators of retirement homes are required to apply for a licence to operate. As long as the operator has applied to the Retirement Homes Regulatory Authority (RHRA), the organization that has been given the job of providing oversight over all retirement homes in Ontario, then the retirement home will be deemed to have a licence until the RHRA has had a chance to review and approve the licence application.

¹ SO 2010, c 11.

In addition to getting a licence, all retirement homes will be required to comply with the *RHA*. As a tenant in a retirement home, this may mean some changes in the information that the retirement home landlord is required to provide you with, changes to the way some care services are delivered, and changes to how you make a complaint about problems that may arise while you are a tenant at the retirement home. This includes any complaints with respect to care services or how you are treated.

For example, once the legislation is fully in effect, your landlord (the operator of your retirement home) will be required to provide you with a written agreement that explains a variety of things about the *RHA* and how it will affect your tenancy, such as the fact that the retirement home will be subject to inspections at least every three years by the RHRA and the persons doing the inspections will have a right to inspect, copy, and remove records containing your personal health information to determine if the licensee is in compliance with the *RHA*. The landlord will also need to give you an information package that includes detailed information about the RHRA, services in the home, staffing, the Residents' Council and other matters pertaining to your rights under the *RHA*.

Your landlord will also need to post certain information up in the home, such as the Residents' Bill of Rights, the landlord's retirement home licence, and information about what to do if there is a fire in the home or if tenants need to evacuate the home. As well, they will also need to meet regulated standards for different types of care services and will need to prepare care plans for all tenants who reside in the retirement home.

The vast majority, if not all retirement homes, are also regulated as "care home" tenancies under the *Residential Tenancies Act (RTA)*.² That legislation has been in effect since 2006 and will continue to apply to retirement homes that are also regulated under the *RHA*.

It is not possible in this short article to explain everything you need or would want to know about the *Retirement Homes Act*. ACE is working on materials to explain the legislation and in particular, your rights as a retirement home tenant. Our plan is to have a series of plain language materials ready by early fall, however, if you need information in the meantime, please contact our office at 416-598-2656. Keep checking the ACE website at www.ancelaw.ca as we will start posting materials as they are available.

As it states on the RHRA website at www.rhra.ca, the Retirement Homes Regulatory Authority also has a mandate to "educate retirement homes, consumers and the public about the Act." We recommend that you check the RHRA website periodically for updates on these very important developments.

² SO 2006, c 17.