

Business Plan 2013 – 2014



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Profile

The Retirement Homes Regulatory Authority (RHRA) is a self-funded, not-for-profit corporation responsible for administering the *Retirement Homes Act, 2010* (Act) and its regulations. It was established in 2010 and commenced licensing and regulating retirement homes in 2012.

The RHRA is guided by its Vision, Mission and Values that are more fully described on the following page. Its core responsibility is to provide consumer protection to residents of Ontario's retirement homes. The values the RHRA strives to portray create an environment that allows retirement home residents and operators to jointly contribute to the wellbeing of an important economic and social landscape.

The 2013-2014 Business Plan provides an overview of:

- The regulatory framework that guides the RHRA's operations;
- The environment in which the RHRA expects to be operating in the 2013-2014 fiscal year;
- The regulatory framework and strategic priorities upon which the RHRA will focus its efforts;
- Performance objectives for 2013-2014; and
- Summary financial information.

Vision

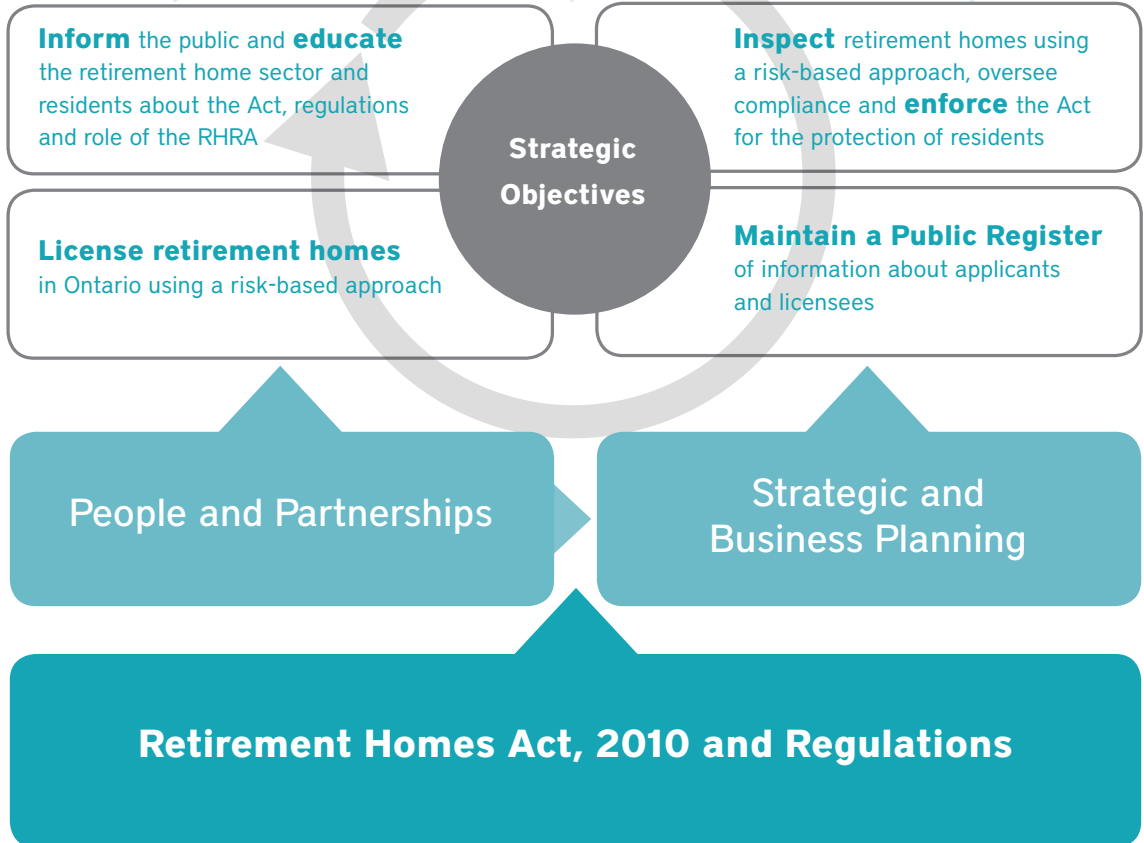
The RHRA's vision is that all retirement home residents in Ontario:
Feel Right at Home

Mission and Mandate

To improve the lives of residents in Ontario retirement homes by effectively fulfilling its mandate to administer Ontario's *Retirement Homes Act, 2010*.

Values

Excellence
Fairness
Accountability
Collaboration
Efficiency and Effectiveness



Environment and Operations Review

The Retirement Home Sector

The fiscal 2013-2014 year marks the commencement of the RHRA's third year of operations, having fulfilled a role in safeguarding seniors in Ontario retirement homes from harm or abuse since May 2011. It also marks the second year of licensing and increased compliance requirements for homes.

There are over 650 retirement homes in Ontario, providing accommodation and care services to over 51,500 residents. The RHRA enters the 2013-2014 fiscal year well positioned to serve its stakeholders and continues to promote consumer protection while working with the industry to foster a healthy and innovative retirement home business sector.

The advancement of consumer protection and a healthy business sector is imperative from both a policy and a practical perspective. In its 2011 report entitled *Ontario's Aging Population*, the Ontario Trillium Foundation stated that the number of seniors aged 65 and over in Ontario is expected to more than double from 13.7%, or 1.8 million people, in 2009 to 4.2 million, or 23.4%, by 2036. The older age groups will experience the fastest growth, with the number of people aged 75 and over projected to rise from 847,000 in 2009 to almost 2.2 million by 2036. It is this latter, more aged group that is generally the target consumer of retirement home accommodations, although the retirement homes the RHRA regulates include homes that serve residents aged 65 and over.

The retirement home sector is responding to the needs of this growing demographic. The sector is as diverse as the residents that choose to live in retirement home settings: private operators with one or more locations, public companies holding multiple properties and not-for-profit organizations – each with a variety of offerings, from basic to highly luxurious accommodation. Canada Housing and Mortgage Corporation data indicates that the industry capacity in Ontario grew by 3.5% in 2012 and forecasts further, albeit more moderate, growth in 2013. Homes are finding a receptive population for their offerings as the rate of occupancy has continued to climb over the last three years, despite the increasing capacity. The style of accommodation has continued to evolve toward larger units that promote independence of residents, in keeping with the evolution of their tastes. Yet there are seniors that require and seek more care services from retirement homes. There are 13 care services regulated by the RHRA and the offerings of retirement homes in Ontario include many or all of these services. Some homes also offer respite care, where individuals are offered temporary accommodation and a high degree of care to recover from a healthcare procedure.



Environmental Challenges

This ever expanding offering of retirement services appears to meet the needs of Ontario seniors within a broader context of housing, health and social supports. But as governments grapple with fiscal challenges, the demands upon the continuum of elder care services will only continue to escalate. Nearing the completion of its first year of licensing homes, the RHRA is encouraged by the reaction of retirement homes. The sector has generally responded to the Act and regulations positively by making investments to enhance their operations and become compliant-ready.

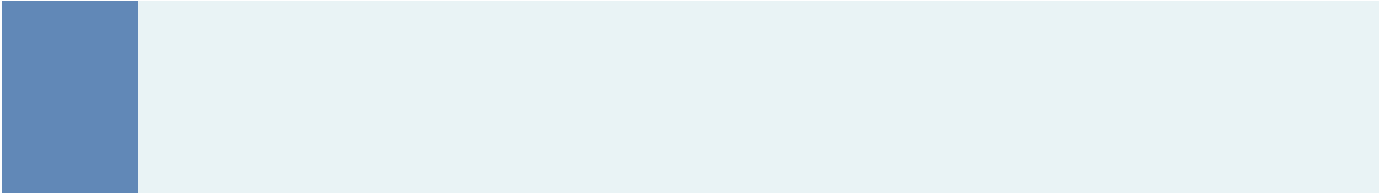
Retirement homes are market-driven businesses and attempt to cater their offerings to the means of the consumer. While a large proportion of homes are able to invest in their operations to meet compliance requirements, it appears this ability will remain a struggle for some homes. In those environments where the residents are of limited means, the quality and extent of investments that can be made by operators to provide the safeguards contemplated by the Act may be equally limited. This is a real and likely enduring challenge. In the context of a stated societal aim to promote aging in place, gaps exist between the increasing care needs of residents and homes' ability to provide the relevant services at an affordable cost, increasing the vulnerability of residents in the affected homes. The RHRA is responding to the challenges of differing levels of compliance by promoting effective dialogue with operators, residents, government and industry associations. It will attempt to balance the need to protect seniors without inhibiting the growth of a healthy retirement home sector.

Governance

From its establishment in 2010 until the end of 2012, the RHRA has had the leadership of an interim board of directors. The interim board established the governance foundation upon which the RHRA commenced its program development, organizational development and regulatory operations. The RHRA commences the current fiscal year with a newly constituted permanent board of directors. There is now a larger and more diverse membership that includes industry representation that will allow for continued leadership and evolution to best serve the needs of the RHRA and its stakeholders. Both government-appointed and elected members of the board are drawn from industry, other regulatory agencies or those familiar with the health and social issues impacting seniors. This creates the opportunity for the RHRA to continue to evolve its governance structure with the collective knowledge and experience of highly respected members.

In anticipation of legislative requirements that come into force on January 1, 2014 the board of the RHRA will be required to appoint two additional statutory officers during 2013 – a Complaints Review Officer (CRO) and a Risk Officer (RO).

The CRO will be responsible for independently reviewing decisions of the Registrar and complaints made against a retirement home of alleged contraventions of the Act and its regulations. The CRO will be responsible for reviewing complaints in matters where a complainant is not satisfied by the conclusion of the Registrar and furthermore, be responsible for authoring a final decision regarding the complaint and notifying both the complainant and licensee.



The RO will be responsible for independently reviewing, monitoring and assessing the effectiveness of the RHRA's activities thereby reducing pertinent risks that could interfere with the organization's achievement of its objectives and goals. The RO will report to the Board through its Audit & Risk Standing Committee or alternate as determined by the Board.

Impact of Final Phases of Implementation of the Act

The phasing in of additional sections of the Act on January 1, 2013 and further sections on July 1, 2013 will continue to significantly impact the retirement home sector and the RHRA's operations. On January 1, 2014 substantially all remaining provisions of the Act will come into force. The sequencing of past and future sections of the Act and regulations is included as Appendix II.

With full implementation of the Act, the risk of non-compliance greatly increases. This will require the continued evolution of the regulatory and administrative operations of the RHRA. There will be increased demands upon all resources as the compliance requirements increase, including the need to augment licensee communication and education concurrent with enforcement policies and procedures. There will be a necessity to continually refine and enhance risk assessment methods in order to limit the demand upon inspection and compliance staff and administrative resources. Continued training and employee development will be critical to ensuring enhanced staff effectiveness. The Emergency Fund, which will allow retirement home residents to file claims for certain forms of compensation will need to be funded and administered. The Act also establishes the statutory positions of Risk Officer and Complaints Review Officer that will be filled in this fiscal year. These two statutory positions will add further complexity to internal processes in an effort to advance the oversight and transparency of the RHRA's activities. Finally, the RHRA will continue to gather data and information that will be critical for the mandated legislative review of the Act, anticipated in 2015. Fiscal 2013-2014 will be a transformative year – the RHRA will begin to lay the groundwork to measure its relevancy and success based upon outcomes from its regulatory oversight, instead of process outputs, that contribute to long term success.

The RHRA'S Path

As regulator of an industry sector that contributes close to \$2 billion annually to the economy of Ontario, the RHRA is required to lead in a manner that is fair to all stakeholders, consistent and transparent. It is the aspiration of every regulator to be able to lead the subjects of regulation by moral suasion, with the additional tool of legislation serving as the foundation upon which this authority is conferred. A licence issued to a retirement home confers opportunity and obligations upon both the home and the RHRA. The Act is complex and demanding, and in a sector that was not subject to regulation less than two years prior to the current year, there will be challenges for both homes and the RHRA in managing implementation issues. The environment in which the RHRA exists and operates will necessitate creative means to preserve and promote the health of this vitally important industry, while preserving consumer protections. It is with the creative and active participation by retirement home residents, their families, operators and its other stakeholders that the RHRA is anticipating the 2013-2014 fiscal year with both optimism and firm resolve.



Emergency Fund

The Act provides for the establishment of an Emergency Fund (Fund) to which, on January 1, 2014 and thereafter, retirement home residents or former residents may apply for reimbursement of certain additional costs incurred to obtain accommodation as a result of an emergency from loss or damage to home, in which they were a resident, and the home was unable to safely provide the normal accommodation or care in the home to the individual. Administrative penalties assessed and collected under the Act must be paid into the Emergency Fund. The RHRA developed a workplan to establish governance and administration of the Fund prior to its implementation date. This workplan includes an assessment of the amount and means by which it will be funded. The assessment considers the financial resources of the RHRA and the impact of the insurance in place in retirement homes to provide for contingencies that may put residents at risk.

Inquiries and Complaints

To support mandatory reporting, and in keeping with the mandate to educate and inform, the RHRA handles inquiries and concerns from residents, applicants and other members of the public regarding retirement homes in Ontario and complaints related to the administration of the RHRA. Questions, comments and complaints may be submitted by email, by phone or through written correspondence. Intake staff collect basic information initially, provide self-help guidance to the correspondent and may refer the caller depending upon the nature of the concerns and the information provided by the correspondent. In many cases, the correspondent is able to resolve the concern by speaking with the retirement home directly. In some cases, the RHRA intake staff may work with the correspondent and the operator in an effort to achieve a satisfactory resolution to concerns. Complaints relating to the administration of the RHRA are similarly managed and any such complaints and their resolution are reviewed by management.

Complaints relating to Registrar decisions impacting retirement homes and contraventions of the Act and regulations will become effective on January 1, 2014 and may be reviewed by the Complaints Review Officer (as described in the Governance section). A person who makes a complaint to the Registrar about an alleged contravention of a requirement under the Act or regulation with respect to a retirement home will have access to the Complaints Review Officer to review the decision under conditions outlined in the Act.



Stakeholder Engagement

In the governance of RHRA operations, the board and management have consistently adopted an approach of seeking input from and consultation with its various stakeholders. These stakeholders include the residents of retirement homes, their families, operators of homes, government and the public.

The RHRA also receives valuable insight from its Stakeholder Advisory Council, from which representatives of key stakeholder groups are drawn. The RHRA has adopted a working practice of referring all matters that may have a consequential impact upon residents, their families, operators or other stakeholders to the Stakeholder Advisory Council for their review and comment. While the RHRA is not bound by the deliberations and decisions reached by the Council, its scope includes:

- Council members must agree to abide by the relevant sections of the MOU, by-laws and policies of the Board including the Code of Ethics and the Access and Privacy Code.
- The Officers and the Board may seek advice from the Advisory Council on issues pertinent to the business of the Officers or Board.
- The Officers and the Board may seek advice of an “ongoing” or “ad hoc” nature on specific issues.
- Advisory Council members may identify issues that they recommend to the Officers and Board for specific attention.

The RHRA provides education and consults with the retirement home sector to promote compliance with standards to ensure homes understand and strive to comply with the Act and regulations. The RHRA consults regularly with those with experience and knowledge of individual homes, trade associations and other industry representatives on matters of common interest, such as the fee structure, licensing, compliance and governance issues.

French Language Services

The RHRA recognizes the importance of facilitating access to French language services for members of francophone communities across the province. To support this, as well as compliance with provisions within the Act, the RHRA has a French Language Service Delivery Policy posted on its website. The RHRA has, and will continue to ensure, that communications, information and notices with respect to RHRA dealings with licensees, residents and the public are made available in French in accordance with legislative requirements.



Strategic Priorities

Resident Protection

The RHRA will continue to enhance the wellbeing of residents in Ontario retirement homes.

The Act and regulations exist to provide for the safety, security and promotion of seniors' rights in retirement homes. The regulatory framework implemented by the RHRA is designed to encourage consistent standards of conduct by retirement home operators, reduce the occurrence of harm or risk of harm to residents and promote the development of conditions that provide consumers with choice concerning the environment in which they want to reside. The RHRA will execute these objectives by responding to reports of harm or risk of harm to residents, inspecting retirement homes prior to and after licensing, and providing reports about retirement homes on the Public Register (available on www.rhra.ca). Information on the Register includes the care services offered by each home, final inspection reports and any conditions placed on a home's licence. The RHRA also works to educate and inform homes and their residents about the protections offered by the regulatory framework.

Regulatory Operations

The RHRA will advance licensing and compliance policies and processes that help guide retirement homes toward compliance with the Act as it becomes fully proclaimed.

Some parts of the Act have been in force since 2010 to allow for the establishment and implementation of the RHRA. Additional parts of the Act came into force in May 2011 to protect residents of retirement homes from harm or risk of harm before the Act was in full force.

The remaining sections of the Act and corresponding regulations have or will come into force gradually through five phases to give retirement homes time to prepare. Phase 1 began April 15, 2012 when the RHRA started receiving licence applications. Substantially all remaining provisions of the Act will come into force during the next fiscal year. Combined with those provisions already proclaimed, the RHRA will be required to fully develop and evolve its policies and procedures to measure compliance in the retirement home sector, which was not subject to regulation prior to 2012. Licensing decisions regarding homes in existence in 2012 that have applied will be completed. The focus of regulatory operations will be interpreting and implementing both the existing and new legislative requirements in the scheduled inspections of homes, as well as monitoring ongoing operations of licensed homes. New participants and new facilities will continue to enter the sector and the RHRA's processes will need to be responsive to them. The regulatory compliance of homes will be assisted through education about these significant requirements and the RHRA will strive to achieve quality improvement in homes where compliance remains a challenge.



Stakeholder Engagement

The RHRA will engage with, learn from and enhance communication and education with individuals and groups that have an interest in the wellbeing of Ontario retirement homes and their residents.

The RHRA will strive to be a valuable source of information and advice to its stakeholders to promote the wellbeing of participants in the retirement home sector. The RHRA recognizes the role it shares with its stakeholders to promote safety for residents and support for operators of retirement homes. The RHRA will work to provide clear and consistent advice where the legislative framework is ambiguous by providing interpretive guidance and standards, informational and educational materials and public sessions so that all stakeholders understand and remain advocates of the RHRA's strategic priorities.

Governance Leadership

The RHRA and its board will focus on strategic planning, priorities, stewardship and performance.

A newly constituted Board of Directors is in place for the 2013-2014 fiscal year. It includes a majority of elected members and those appointed by government. Through its board and management, the RHRA will be guided toward a longer term strategy, focused on matters that promote its objectives, and effectively manage its regulatory and operational responsibilities.

Human Capital Development

The RHRA will enhance organizational capacity through learning, development and monitoring contributions and achievements of its staff and those with whom it engages.

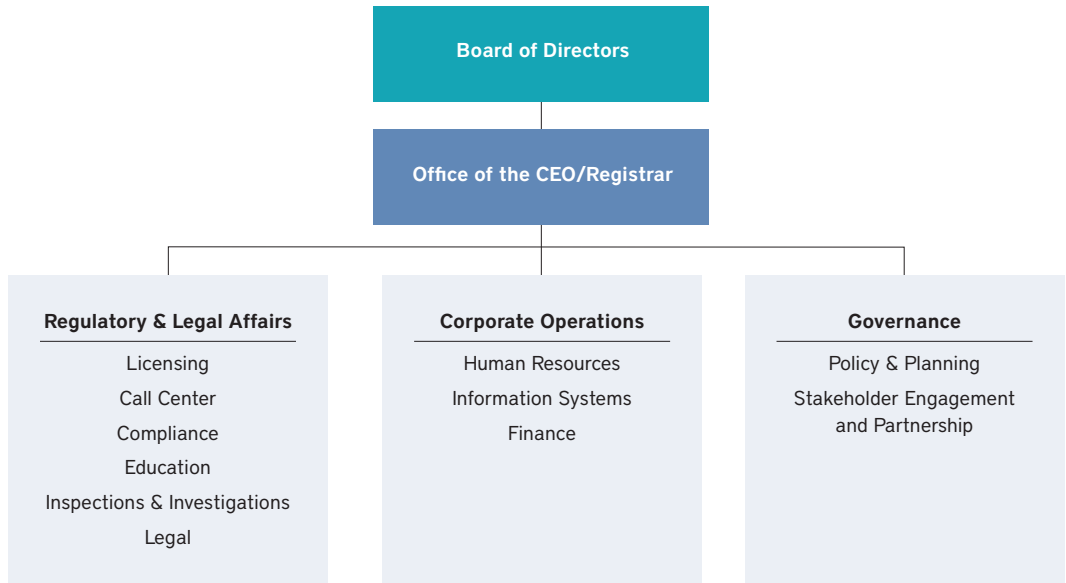
The RHRA recognizes the opportunity and challenge of becoming a leading regulator can only be achieved with engagement of its most valuable asset – its staff. The RHRA relies on the knowledge base of its staff and must be competitive to attract and retain a workforce with diverse skills and backgrounds. It will continue to expand activities that promote the RHRA as a leading employer, and invest in programs and practices that drive staff development and manage performance.

Organizational Sustainability

The RHRA will plan and operate to maximize the efficiency and effectiveness of its resources while managing risk to the enterprise.

The RHRA is independent and derives its financial resources from operators of retirement homes. It recognizes that these resources need to be used wisely and that there are constraints upon revenue growth from sources with finite means. The RHRA must meet its regulatory mandate while measuring risk that is imposed by the constraints upon its resources. It will optimize the value it provides to allow progress toward effective consumer protection. The RHRA will continue to evolve as an organization and strive for excellence in governance, regulatory and operational processes.

Functional Overview



Performance Initiatives for Fiscal 2013-2014

In anticipation of the full implementation of the Act and regulations as of January 1, 2014 the RHRA has aligned its governance and practices to operationalize its mission and mandate for 2013-2014 and into the future. The foundation has been developed since the RHRA commenced active operations and the current year's activities will build upon this, by further refining operational practices, measuring and reporting upon its activities, continued organizational development and fostering effective relationships with its constituents. The focus areas for 2013-2014 are Resident Protection, Regulatory Operations, Stakeholder Engagement, Governance Leadership, Human Capital Development, and Organizational Sustainability, all of which are further described in the table below.

Resident Protection

Objective	Performance Plan
Provide clear overview of regulatory practices to residents and operators.	Ensure programs are planned and executed to the highest standards of consumer protection and operational transparency.
Assist in the development of proposals to amend the Act and regulations that promote consumer protections.	Implement framework for comprehensive data gathering and analysis to develop recommendations.
Reduce risk of harm or abuse to residents of retirement homes.	Further develop a system of compliance, inspection and enforcement standards to achieve performance in retirement homes when non-compliance is demonstrated.

Regulatory Operations

Objective	Performance Plan
Effectively communicate and educate licensees on the requirements of each phase of regulations proclaimed during the year.	Complete effective interpretation documents that can be consulted by staff and operators in applying regulations that are complex or unclear.
Evolve internal operations to effectively manage required regulatory mandate.	Execute a plan to retain the resources and expertise required to continue the development of regulatory programs.
Identify and action homes that require additional measures to reach compliance. Ensure regulatory programs are consistent with phasing of the Act.	Develop an evidence-based risk assessment method that identifies and prioritizes homes for either additional intervention or inspection. Review and revise, as necessary, compliance and inspection protocols that contemplate ongoing regulatory changes as further sections of the Act and regulations are proclaimed.

Stakeholder Engagement

Objective	Performance Plan
Maintain accurate information about retirement homes and make this information publicly available.	Develop and adhere to standards for maintenance of the Public Register. Define policies for relevancy of information, length of time for posting and other information on the Public Register.
Educate and inform the sector and the public about the Act and RHRA.	Develop operator educational materials that focus on the Act, the RHRA and its mission and operations. Develop a strategic awareness strategy with an emphasis on public appearance of RHRA management and staff as new sections of the Act are proclaimed.
Develop consumer protection educational materials to build awareness of the Act and the RHRA.	Develop a program for engagement of the media and stakeholders to build awareness with the general public, residents and family members.
Seek feedback on the RHRA.	Establish metrics to determine effectiveness of digital properties. Introduce a program of regular surveys to collect feedback from retirement home residents, operators and members of the public.
Provide information that allows the public to measure compliance performance of retirement homes.	Provide information to the public and consumers to allow understanding of the measurement of performance of retirement homes, including the posting of reports and activities.

Governance Leadership

Objective	Performance Plan
Establish ongoing stability of governance oversight through effective transition to permanent Board.	Develop a long-term strategic plan along with a robust governance work plan for the year.
Meet the phasing in requirements of statutory oversight roles.	Successfully define and recruit personnel for key statutory oversight roles of Risk Officer and Complaints Review Officer.
Ensure board and committee structure reflects evolution of the RHRA and the needs of its stakeholders.	Perform assessment of board capabilities and align with ongoing statutory and operations responsibilities.

Human Capital Development

Objective	Performance Plan
Develop foundation of a learning organization model for the RHRA.	Implement a comprehensive and rigorous training program for all staff focused on developing broad expertise in key operational areas.
Implement processes for ongoing measurement of performance results and continuous improvement.	Entrench and refine performance management programs and practices through implementation of active management monitoring of key performance indicators.
Prepare for current and future requirements of the Act as proclamation phases are implemented.	Revise organizational structure and staffing plan to contemplate specialized knowledge and resources needed to support ongoing operations.

Organizational Sustainability

Objective	Performance Plan
Enhance operational performance management.	Implement business reporting and analysis tailored to regulatory and operational priorities.
Ensure financial stability beyond the period of government funding.	Prepare a basis to develop enduring revisions to the fee schedule.
Establish Emergency Fund.	Create critical policies that define funding, investment and claims ability; communicate to stakeholder community.
Refine enterprise risk management practices.	Develop comprehensive and regular reporting that balances risk and resources for the benefit of all stakeholders.

Appendix I - Summary Financial Forecast

	Forecast	Latest Estimate	\$000s
	2013 /2014	2012/2013	Change
Revenues			
Annual Licence Fees	5,500	4,100	1,400
Licence Application Fees	50	800	(750)
Other Fees and Revenues	100	35	65
Government Funding	-	1,150	(1,150)
Total Revenues	5,650	6,085	(435)
Expenses			
Compensation	3,900	3,600	(300)
Other Administrative Costs	1,500	1,630	130
Total Expenses	5,400	5,230	(170)
Excess of Revenue over Expenses	250	855	(605)
Capital Expenditures (not included above)	100	400	(300)

Financial Review

Annual Licence Fees are assessed based upon the number of residential living quarters in homes that the RHRA regulates. Annual Licence Fees in 2012/2013 are for nine months and for a full fiscal year in 2013-2014. Licence Application Fees for 2013-2014 include expected revenues from new home applications and reapplication of existing homes where this is required. Other fees and revenues include amounts assessed in accordance with the Fee Policy and interest revenue.

Compensation costs in 2013-2014 are forecast to increase to meet additional inspection and compliance requirements as further sections of the Act and regulations are proclaimed. General expenses are forecast to decline as investments to complete infrastructure and start-up activities are completed. Capital expenditures include final amounts to complete a systems implementation and ongoing replacements of hardware and software.

Appendix II – Phasing Of The Act

The following is a list of the key care and safety standards and other requirements for retirement homes in each phase. The complete list of the requirements is contained in the Act and regulations.

Phase 1 - April 15, 2012

- The May 17, 2011 interim protections remain in force, including:
 - Mandatory reporting of harm or risk of harm to residents
 - Protections for whistle-blowing
 - Powers and duties of RHRA inspectors and investigators under the Act
- The RHRA opens for licensing: licence applications accepted and the Registrar begins to make licensing decisions
- The RHRA public register (which will contain information about applicants and licensees) will be established and made available online
- Mandatory training for staff before they start work in the home (for example, regarding the Residents' Bill of Rights, the home's policy to promote zero tolerance of abuse and neglect, whistle-blowing protection, fire prevention and safety)
- Posting of information in the home including the Residents' Bill of Rights, the licence for the home, and an explanation of the measures to be taken in case of fire
- Home must enter into a written agreement with every resident of the home before residency, and provide residents with a package of information before residency

Phase 2 - July 1, 2012

As of July 1, 2012, all retirement homes must have a licence to operate. Homes operating on July 1, 2012 either must have received a licence from the RHRA Registrar or have submitted a licence application to the RHRA by July 3, 2012.

- Licensees must take measures to protect residents from abuse by anyone and neglect by a staff member; for example, homes must have and follow a written policy to promote zero tolerance of abuse and neglect of residents
- Prohibition on the use of restraints, unless in accordance with the Act and requirements relating to the use of personal assistance services devices (PASDs)
- Other requirements and duties, including: allowing residents to form a Residents' Council; responding to incidents of wrongdoing; a written procedure for a person to complain to the licensee and for responding to complaints; no interference with the provision of care services by an external care provider; maintaining staff and resident records in accordance with the Act; reductions in care services must be in accordance with the Act

Phase 3 – January 1, 2013

- Standards relating to the care services in the Act (e.g. administration of a drug, skin and wound care, assistance with dressing, feeding and ambulation)
- Safety standards (e.g. temperature control, pest control, and food preparation)
- Licensees must assess new residents and develop a plan of care based on the assessment, and provide information about alternatives to living in the retirement home if an assessment indicates that a resident meets certain criteria set out in the regulations
- Safety plans (emergency and infection control) and staff training on plans

Phase 4 - July 1, 2013

- Requirements relating to ceasing operations
- Assessment and plan of care for certain residents (e.g. those requiring a PASD)
- All direct care staff must receive additional training (e.g. relating to abuse recognition and prevention, behavioural management, and mental health issues)
- Ongoing training for all staff working in the home, and training of volunteers in certain areas (e.g. relating to the home's emergency plan and infection control program)
- Requirements relating to holding resident money in trust (trust accounts)

Phase 5 – January 1, 2014

- Assessment and plan of care for certain residents residing in the home before January 1, 2013 (those not requiring a PASD)
- Police background checks for staff members and volunteers before working or volunteering in the home
- Mandatory extra expense insurance to cover the costs of providing alternate accommodation and care to residents in response to loss or damage to the home



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