

Applicant Guide

Retirement Home Licence Application

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Process: Applying For A Retirement Home Licence

The *Retirement Homes Act, 2010* (Act) sets out standards and requirements for retirement homes in Ontario. The Act establishes the Retirement Homes Regulatory Authority (RHRA), which is independent of government. The role of the RHRA is to regulate retirement homes and to provide education about the Act.

As of July 1, 2012, homes that meet the definition of “retirement home” in the Act must have a licence from the RHRA to operate.

This guide sets out the basic information you will need to apply for a retirement home licence. It also explains what happens after you apply, and after you receive your licence. Consult the Act and its regulations to learn about the standards that apply and the obligations that come with a licence. You may also want to consult a lawyer or other professional for advice. The guide is for information purposes. Do not rely on it to determine compliance with the Act. Consult legal counsel if you have questions about the application or interpretation of the Act.

The RHRA has created tools to help you understand the Act and the standards that will apply to your home. You can access a plain-language guide for the Act, educational fact sheets and compliance checklists on the Operator Resources section of the RHRA website (www.rhra.ca).

A copy of the Act is available at www.e-laws.gov.on.ca.

Before You Apply

Before you begin the application process, you should determine whether your home meets the definition of a “retirement home” under the Act.

The definition of a “retirement home” under the Act is set out on page 16 of this guide.

About Licensing

The RHRA will review your application using criteria that are set out in the Act.

The criteria relate to:

- past conduct
- your ability to provide care services
- your competency to operate the home in a responsible manner in accordance with the Act

Once your application is submitted, the RHRA will review the information you have provided. The RHRA may request additional information and supporting documents to evaluate your ability to comply with the Act.

The RHRA will use a risk-based approach to review applications.

This approach recognizes that homes applying for a licence will have different levels of readiness to comply with the Act. Homes that the RHRA considers lower risk may proceed more quickly through the process.

Licensing

After reviewing an application, the Registrar of the RHRA may do one of the following:

1. Issue a licence.
2. Issue a licence with conditions.
3. Refuse to issue a licence.

If the Registrar refuses to issue a licence or issues it with conditions, you will first receive a notice. The notice will set out the Registrar's proposed decision and the reasons for it. You will have the opportunity to make written submissions to the Registrar about the proposed decision. The Registrar will review your submission before making a final decision. If the final decision is to refuse the licence or impose a condition, you will receive notice of the final decision. You may appeal the final decision to the Licence Appeal Tribunal (LAT).

To find out more about the LAT visit www.sse.gov.on.ca/lat.

Once you receive a licence you must post it in a conspicuous place where RHRA inspectors, residents and others can easily see it.

Retirement home licences are not transferable. If the owner of a retirement home sells the home, or if there is any change of controlling interests in a licensee, the licence terminates and a new licence application is necessary. The RHRA does not renew licences. Subject to a licensee paying its fees and maintaining compliance with the Act, a licence is valid until the Registrar revokes it, the licensee surrenders it, or an event such as a sale triggers its termination.

The Public Register

The Act requires the RHRA to keep a Public Register that contains information about applicants and licensees.

Information in the Public Register includes the name and address of the retirement home, care services provided, and number of residents in the home. The Register also includes summaries of inspection reports and any orders imposed on licensed homes under the Act.

Application and Other Fees

The Act permits the RHRA to set and charge fees. The RHRA does not receive government funding and depends on industry fees to fund its operations. Applicants must submit an application fee.

Current licence application fees are set out in the RHRA's Fee Schedule, which is available in the Operator Resources section of the RHRA's website (www.rhra.ca).

The application fee will go towards the cost of administering the Act, including routine inspections. The application fee is not subject to tax. **The payment of the application fee does not entitle the Applicant to an RHRA licence.**

A licensee must also pay an Annual Licence Fee to the RHRA. These fees will go toward the cost of administering the Act, including RHRA activities relating to educating the public, compliance and enforcement of the Act. Rates for the annual licence fee are also included in the RHRA's Fee Schedule.

Annual fees are levied based on the number of residential units (or suites) in a home.

Residential Unit – Suites are residential rental units, for example private or bachelor units, or one-or two-bedroom suites. Suites include portions or divisions of a unit that are separately rented to multiple residents, for example semi-private or ward-type accommodation.

Note: residential units do not include any of the following:

- premises or parts of premises that are governed by or funded under the *Homes for Special Care Act*, the *Long-Term Care Homes Act, 2007*, the *Private Hospitals Act*, the *Public Hospitals Act*, and the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* [Act 2(d)]
- premises at which emergency hostel services are provided under the *Ontario Works Act, 1997*. [Act 2(f)]
- premises or parts of premises at which a supportive housing program or residential treatment program is provided and funded under the *Home Care and Community Services Act, 1994*, the *Local Health System Integration Act, 2006*, or the *Ministry of Health or Long-Term Care Act*. [O.Reg. 166/11 section 3].

Annual fees will be levied on unoccupied residential units.

In order to obtain a licence, Applicants will provide the RHRA with the total number of rentable units in their home. This figure must include all unoccupied units. It is the responsibility of the Applicant to notify the RHRA of any changes to the number of residential units that occur during the application process.

The RHRA may also charge licensees a fee for costs related to certain activities or services under the Act, for example inspections or late application fees. For current fees, refer to the Fee Schedule in the Operator Resources section of the RHRA's website (www.rhra.ca).

You can find and download the application forms and other information, including educational materials, on the RHRA website (www.rhra.ca). If you require a hard copy of the forms, you can contact the RHRA at 1-855-ASK-RHRA (1-855-275-7472), and the forms will be sent to you.

Changes to Information

You must notify the RHRA in writing of any material change in any of the information on the application forms. In addition, you must notify the RHRA of any change in information contained in the Public Register by completing and submitting a “Notice of Change” form which can be found at www.rhra.ca in the Operator Resources section.

Please note that changes in a controlling interest will terminate a retirement home licence. If this occurs, contact the RHRA for assistance.

After Licensing: Inspections

Once you receive a licence, or become a licensee under the Act, you will be subject to RHRA inspections.

An inspection may occur for different reasons. For example, it may be in response to a report of harm or risk of harm to a resident, or to monitor compliance with the Act. You may be subject to a “spot” or “random” inspection without notice. The frequency and duration of routine inspections will depend on the RHRA’s risk assessment of the home. All homes will receive at least one inspection every three years.

Questions & Comments

You can find helpful information and all forms and guides on the RHRA website (www.rhra.ca). If you have questions or comments, please contact the RHRA toll-free at 1-855-ASK-RHRA (1-855-275-7472).

Additional documents to be submitted with Applications

New Operation Licence Application:

1. A copy of the home's **Fire Safety Plan** (proof of the approved plan and, if unavailable at the time of application, proof of communication with the local fire department showing steps towards compliance)
2. A copy of a **Food Handling Certificate** for at least one person involved in food preparation (only if the home provides meals to the residents)
3. Evidence of **Extra Expense Insurance**
4. **Municipal Licence** (if any)
5. **Pre-opening Public Health Inspection Reports** (if any)
6. **Home Information Package** (table of contents)
7. Letter outlining **previous experience of Applicant** (if any)
8. Letter outlining **previous sector experience of Management Company** (if any)
9. **Occupancy Permit**

Acquisition Licence Application:

1. A copy of the home's **Fire Safety Plan** (proof of the approved plan and, if unavailable at the time of application, proof of communication with the local fire department showing steps towards compliance)
2. A copy of a **Food Handling Certificate** for at least one person involved in food preparation (only if the home provides meals to the residents)
3. Evidence of **Extra Expense Insurance**
4. **Municipal Licence** (if any)
5. **Three most recent Public Health Inspection Reports**
6. **Home Information Package** (table of contents)
7. Letter outlining **previous experience of Applicant** (if any)

New Operation - Application Instructions

New Operation Licence Application Form 1

Instructions

The New Operation Licence Form 1 should be completed by individuals or organizations seeking a retirement home licence for a **new retirement home**. The Applicant must submit Form 1 to initiate the application process. Please note that the RHRA may contact the Applicant to request more information or supporting documents.

The instructions below provide explanations and definitions for each section of the application forms. Definitions for terms marked with an asterisk (*) on the forms can be found on page 15-17 of this guide. If you require assistance throughout the application process, contact the RHRA.

Deadlines

Form 1 and Forms 2A and 2B	No later than six weeks prior to the expected occupancy date of the home, or an expedited fee will be charged.
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Applications received after the six-week deadline above must be reviewed on an expedited basis and will be subject to an expedited fee, as set out in the Fee Schedule. Failure to submit this form by the deadline may result in a delay in issuing a licence.

Retirement Home Information

Complete in full all information related to the retirement home. The expected **occupancy date** must be indicated on the form.

Occupancy date - The date that residents will move into the new retirement home.

Applicant Information

Complete in full all information related to the Applicant. Please put N/A in all fields that do not apply.

Applicant - The individual(s) or corporation applying for a retirement home licence. Should the Registrar of the RHRA issue a licence to the Applicant, the Applicant will become a licensee under the Act.

Primary Contact Person

The Applicant must designate a **Primary Contact Person** to be listed on the RHRA's Public Register.

Ongoing service of RHRA correspondence including, for example, notices and reports required under the *Retirement Homes Act, 2010*, will be delivered via mail to the Applicant at the Applicant's mailing address, care of the Primary Contact Person.

The Applicant must immediately notify the RHRA of any changes related to the Primary Contact Person or the address for service, via completion and submission of the Notice of Change Form found at www.rhra.ca in the Operator Resources section.

Ownership Structure of the Applicant

Applicants will fall under **one** of the ownership structures below. On the application form, select one ownership type and complete the section that applies. **Do not complete multiple sections.**

Sole Proprietorship – The business is owned by one person, NOT an incorporated business
Corporation – The business/not-for-profit is incorporated
Partnership – The business is owned by two or more partners who carry on business together

Applicants **must complete** Personal History Report forms (forms 2A and 2B) for individuals and corporations depending on the ownership structure of the Applicant. Consult the instructions on forms 2A and 2B and page 14 of this guide to determine which forms apply to the Applicant.

If information submitted on either of the forms changes before the RHRA has completed the licence application assessment, contact the RHRA.

Previous Retirement Home Sector Experience

The RHRA requires Applicants to provide the RHRA with information related to their experience in the retirement home and related sectors. Applicants who do not currently hold a retirement home licence with the RHRA must submit a document (ie. resume, letter etc.) outlining any relevant experience.

Applicants who currently hold a retirement home licence from the RHRA must submit a list of retirement homes they currently operate in Ontario.

Home Administration/Management

The RHRA requires applicants to provide information related to the management and operation of the home. This information will be posted on the Public Register and must be kept current. Applicants must contact the RHRA if this information changes throughout the licensing process.

Home and Care Services Information:

Number of Living Quarters and Residents

The Applicant must provide the RHRA with the total number of residential units in the home. This figure must include all unoccupied units and will be used to calculate the home's Annual Licence Fee. Refer to page 4 for an explanation of the Annual Licence Fee.

The capacity of the home must also be identified. This information will be posted on the Public Register.

Note: At this point in the licensing process, the Applicant may estimate the number of residential units if the final figure is still unknown.

Sprinkler Information within the Retirement Home

The RHRA requires the Applicant to indicate the number of sprinklers that will be, or are installed, in the home as well as their locations.

Care Services

The Applicant must indicate the care services the retirement home will make available directly† or indirectly† to residents. A list of care services can be found on page 15 of this guide. The services offered will be posted on the Public Register.

Direct care: where an employee or contracted employee or staff member (including a staff member from an employment agency of the operator) provides the service to a resident.

Indirect care: includes arrangements where the operator facilitates arrangements for a resident to receive care services from an external care provider.

Disclosure of Non-Arm's Length Relationships

It is a requirement for the issuance of a licence that the Applicant discloses all non-arm's length relationships. Non-arm's length relationships occur between the Applicant and individual(s) who currently provide (or that the Applicant intends to provide) one or more care service(s) for a resident. Non-arm's length services are not supplied by volunteers, or individual(s) that work in the home as an employee or contract employee, or under contract between the Applicant and a third party, such as an employment agency.

Non-arm's length relationships are the following:

- spousal or family relationships (spouse, parent, sibling, child or another relative sharing the residence of the Applicant)
- corporate relationships (the person/Applicant is a partner, director or officer of the Applicant/ person)
- relationships of corporate control (the person is a parent/controlling/controlled corporation of the Applicant).

If information related to non-arm's length relationships changes during the course of the application process, the Applicant must immediately notify the RHRA.

Mandatory Policies and Safety Standards

Safety Standards

Retirement homes must have a fire safety plan approved by the local fire authorities. The RHRA requires proof that a fire safety plan is currently in place in the home.

Note: If the fire safety plan has not been approved, the Applicant should submit supporting documentation that shows evidence of engagement with the local fire authorities, (ie. a letter or email).

In addition, the Applicant should indicate whether certain policies and safety standards listed on Form 1 have been developed. It is possible that at the time of submission of Form 1, some of the policies may still be under development. See page 6 for a full list of additional documents that the Applicant must submit along with the application.

Staff Training

The Applicant must declare that staff working in the home have received the appropriate training in areas prescribed in section 65 of the *Retirement Homes Act, 2010*. These areas are set out in the box below:

- a) The Residents' Bill of Rights;
- b) The licensee's policy to promote zero tolerance of abuse and neglect to residents;
- c) The protection afforded for whistle-blowing;
- d) The licensee's policy regarding the use of personal assistance services devices (PASDs) for residents;
- e) Injury prevention;
- f) Fire prevention and safety;
- g) The licensee's emergency plan for the home;
- h) The emergency plan and infection prevention and control program;
- i) All other prescribed matters.

Accreditation/Professional Affiliation

Indicate whether the home will be accredited by any of the organizations listed on the form.

Acquisition - Licence Application Instructions

Acquisition Licence Application Form 1

Instructions

The Acquisition Licence Form should be completed by individuals or organizations seeking a retirement home licence for an **existing home they are purchasing**. The Applicant must complete Acquisition Licence Application Form 1. Please note that the RHRA may contact the Applicant to request more information or supporting documents.

The instructions below provide explanations and definitions for each section of the application form. Definitions for terms marked with an asterisk (*) on the forms can be found on page 15-17 of this guide. If you require assistance throughout the application process, contact the RHRA.

Deadline

Form 1 and Forms 2A and 2B	No later than six weeks prior to the closing date of the sale, or an expedited fee will be charged.
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Applications received after the deadline must be reviewed on an expedited basis and **will be subject to an expedited fee, as set out in the Fee Schedule**. Failure to submit this form by the deadline may result in a delay in issuing a licence.

Vendor Information

Complete in full all information related to the Vendor. The expected **closing date of the sale** must be indicated on the form.

Vendor – The person, individuals or corporation selling the retirement home.

Closing date of the sale – The date the sale will close and ownership of the home will be transferred to the Applicant.

Applicant (Purchaser) Information

Complete in full all information related to the Applicant. Please put N/A in all fields that do not apply.

Applicant – The individual(s) or corporation applying for a retirement home licence. Should the Registrar of the RHRA issue a licence to the Applicant, the Applicant will become a licensee under the Act.

Primary Contact Person

The Applicant must designate a **Primary Contact Person** to be listed on the RHRA's Public Register. Ongoing service of RHRA correspondence including, for example, notices and reports required under the *Retirement Homes Act, 2010*, will be delivered via mail to the Applicant at the Applicant's mailing address, care of the Primary Contact Person.

The Applicant must immediately notify the RHRA of any changes related to the Primary Contact Person or the address for service, via completion and submission of a Notice of Change Form found at www.rhra.ca in the Operator Resources section.

Ownership Structure of the Applicant

Applicants will fall under one of the ownership structures below. On the application form, select **one** ownership type and complete the section that applies. **Do not complete multiple sections.**

Sole Proprietorship – The business is owned by one person, NOT an incorporated business.

Corporation – The business/not-for-profit is incorporated

Partnership – The business is owned by two or more partners who carry on business together.

Applicants **must complete** Personal History Report forms (forms 2A and 2B) for individuals and corporations depending on the ownership structure of the Applicant. Consult the instructions on forms 2A and 2B and page 14 of this guide to determine which forms apply to the Applicant.

If information submitted on either of the forms changes before the RHRA has completed the licence application assessment, contact the RHRA.

Previous Retirement Home Sector Experience

The RHRA requires Applicants to provide the RHRA with information related to their experience in the retirement home and related sectors. Applicants who do not currently hold a retirement home licence with the RHRA must submit a document (ie. resume or letter) outlining any relevant experience.

Applicants who currently hold a retirement home licence from the RHRA must submit a list of retirement homes they currently operate in Ontario.

Home Administration/Management

The RHRA requires applicants to provide information related to the management and operation of the home. This information will be posted on the Public Register and must be kept current. Applicants must contact the RHRA if this information changes throughout the licensing process.

Home and Care Services Information:

Number of Living Quarters and Residents

The Applicant must provide the RHRA with the total number of residential units in the home. This figure must include all unoccupied units and will be used to calculate the home's Annual Licence Fee. Refer to page 4 for an explanation of the Annual Licence Fee.

The capacity of the home must also be identified. This information will be posted on the Public Register.

Sprinkler Information within the Retirement Home

The RHRA requires the Applicant to confirm the number of sprinklers and their locations within the retirement home, or if the home has sprinklers throughout.

Care Services

The Applicant must indicate the care services the retirement home will make available directly or indirectly to residents. A list of care services can be found on page 15 of this guide. The services offered will be posted on the Public Register.

Direct care: where an employee or contracted employee or staff member (including a staff member from an employment agency of the operator) provides the service to a resident.

Indirect care: includes arrangements where the operator facilitates arrangements for a resident to receive care services from an external care provider.

Disclosure of Non-Arm's Length Relationships

It is a requirement for the issuance of a licence that the Applicant discloses all non-arm's length relationships. Non-arm's length relationships occur between the Applicant and individual(s) who currently provide (or that the Applicant intends to provide) one or more care service(s) through for a resident. Non-arm's length services are not supplied by volunteers, or individual(s) that work in the home as an employee or contract employee, or under contract between the Applicant and a third party, such as an employment agency. Non-arm's length relationships are the following:

- spousal or family relationships (spouse, parent, sibling, child or another relative sharing the residence of the Applicant)
- corporate relationships (the person/Applicant is a partner, director or officer of the Applicant/ person)
- relationships of corporate control (the person is a parent/controlling/controlled corporation of the Applicant).

If information related to non-arm's length relationships changes during the course of the application process, the Applicant must immediately notify the RHRA.

Mandatory Policies and Safety Standards

Safety Standards

Retirement homes must have a fire safety plan approved by the local fire authorities. The RHRA requires proof that a fire safety plan is currently in place in the home.

- A copy of the home's approved fire safety plan (if made available by the vendor)
- A copy of a Food Handling Certificate for at least one person involved in food preparation (only if the home provides meals to residents)

Note: If the vendor does not provide a copy of the fire safety plan, the Applicant may submit the date of approval of the fire safety plan. If the vendor refuses to provide a date, contact the RHRA.

In addition, the Applicant should indicate whether certain policies and safety standards listed on the form have been developed. It is possible that at the time of submission of Form 1, some of the policies may still be under development. See page 6 for a full list of additional documents that the Applicant must submit along with the application.

Accreditation/Professional Affiliation

Indicate whether the home will be accredited by any of the organizations listed on the form.

Personal History Reports (Forms 2A and 2B)

1. Personal History Reports are part of the Licence Application and are downloaded in the same PDF file as Form 1. There are two types of personal history reports: Form 2A Personal History Report for **individuals** and Form 2B Personal History Report for **corporations**. Use Form 2B where the relevant person is a corporation.
2. The following persons must submit a Personal History Report:
 - (a) If the Applicant is a sole proprietor, the owner and any other persons (including a spouse, relative corporation or partnership) having the ability to direct the management and policies of the home.
 - (b) If the Applicant is a for-profit or not-for-profit corporation, the Corporation, its directors and officers, and (in the case of a business corporation) any other person(s) who alone or with associates own more than 50% of voting shares of the corporation sufficient to elect a majority of the corporation's board of directors.
 - (c) If the Applicant is a partnership, any person (including a spouse, relative, corporation or partnership) having the ability to direct the management and policies of the home.
3. There may be multiple Personal History Reports related to one Applicant. Photocopy or print the number of reports you require. Individuals completing a Report must sign it. If the Report relates to a corporation, an authorized officer or representative of the Corporation must sign the report.

Contact the RHRA at 1-855-ASK-RHRA (1-855-275-7472) if you are uncertain about who should complete a Personal History Report.

Definitions: *Retirement Homes Act, 2010*

“associate”* – a person is an associate of another person if:

- a) one person is a corporation of which the other person is a director or officer
- b) one person is a partnership of which the other person is a partner
- c) one person is a corporation that is controlled directly or indirectly by the other person
- d) both persons are members of the same voting trust relating to shares of the corporation
- e) one person is the father, mother, brother, sister, son, daughter or spouse of the other person or is another relative who has the same residence as the other person; or
- f) both persons are associates, within the meaning of clauses (a) to (e), of the same person

“care services” means the care services under the Act, which are as follows:

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| <ul style="list-style-type: none">• Assistance with feeding• Assistance with bathing• Continence care• Assistance with dressing• Assistance with personal hygiene• Assistance with ambulation• Provision of a meal• Provision of a dementia care program• Provision of a skin and wound care program | <p>Any service that:</p> <ol style="list-style-type: none">1) A member of the College of Physicians and Surgeons of Ontario provides while engaging in the practice of medicine;2) A member of the College of Nurses of Ontario provides while engaging in the practice of nursing; or,3) A member of the Ontario College of Pharmacists provides while engaging in the practice of pharmacy |
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“external care provider” means a person who provides care services to a resident of a retirement home and who is not the Applicant, the staff* of the retirement home* or a volunteer* with respect to the home

“extra expense insurance” means an insurance policy with respect to a retirement home under which the insurer undertakes to pay for the additional costs of providing reasonable alternate accommodation and care to residents of the home for a period of no less than 120 days if, as a result of loss or damage to the home, the licensee is unable to safely provide the normal accommodation or care in the home to those residents, and the loss or damage is a peril for which insurance is reasonably available

“resident” means a person residing in a retirement home

“residential complex” means a building or related group of buildings in which one or more rental units of living accommodation are located, and includes all common areas and services and facilities available for the use of the residents of the complex

“retirement home” means 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 [**Note:** refer to section 3(1) from the regulation on the next page]

*Associate as defined here is an abridged definition. Refer to section 3(2) of the Act for the full definition.

- c) where the operator of the home makes at least two care services available, directly or indirectly, to the residents,

but does not include,

- d) premises or parts of premises that are governed by or funded under,
 - the *Homes for Special Care Act*,
 - the *Long-Term Care Homes Act, 2007*,
 - the *Ministry of Community and Social Services Act*,
 - the *Private Hospitals Act*,
 - the *Public Hospitals Act*, or
 - the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*,
- e) premises at which emergency hostel services are provided under the *Ontario Works Act, 1997*, or
- f) the other premises that are prescribed set out in the box on the following page:

Prescribed information from Regulation 166/11 under the Act

Retirement home

3. 1) For the purposes of clause (b) of the definition of “retirement home” in subsection 2 (1) of the Act, a residential complex or the part of a residential complex that is a retirement home must be occupied or be intended to be occupied **by at least six persons who are not related to the operator of the home.**
- 2) The following premises are prescribed for the purposes of clause (f) of the definition of “retirement home” in subsection 2 (1) of the Act as not being retirement homes:
 1. Premises, or parts of premises, at which a supportive housing program or a residential treatment program is provided and funded under the *Home Care and Community Services Act, 1994*, the *Local Health System Integration Act, 2006* or the *Ministry of Health and Long-Term Care Act*.
 2. Premises or parts of premises funded under the Community Homelessness Prevention Initiative of the Ministry of Municipal Affairs and Housing.
- 3) A statement in this section or the definition of “retirement home” in subsection 2 (1) of the Act that part of a premises is or is not a retirement home applies only to that part of the premises.

“staff”, in relation to a retirement home, means every person who works or provides services at the home,

- a) as an employee of the Applicant,
- b) pursuant to a contract or agreement with the Applicant, or
- c) pursuant to a contract or agreement between the Applicant and an employment agency or other third party.

“volunteer”, means a person, who is not a staff* member, permitted by the retirement home to participate in the lives and activities of residents on a voluntary basis.