

FACT SHEET:

Understanding Resident Rights

The *Retirement Homes Act, 2010* (Act) is legislation based on the principles of consumer protection and resident safety. The Act sets out resident rights and protections and corresponding obligations for operators of homes.

Your Responsibilities as an Operator

Operators must meet obligations under the Act relating to resident rights and protections. These obligations include posting and respecting the Residents' Bill of Rights.

Additional resident rights and protections set out in the Act include:

- rights and obligations under the *Residential Tenancies Act, 2006*
- agreements and information packages
- public and posted information
- Residents' Council

Rights Under the *Residential Tenancies Act*

Resident rights under the *Residential Tenancies Act* are not changed by the *Retirement Homes Act, 2010*. This means that the rights and obligations of both landlords and tenants continue to apply in retirement homes. If a retirement home is also a "care home" and is governed by the care home requirements of the *Residential Tenancies Act*, then those obligations still apply.

The *Retirement Homes Act* expands upon the *Residential Tenancies Act* requirements by providing additional protections to assist residents in making informed choices about their care options.

Agreements and Information Packages

An extensive list of items must be included in the resident information package. These include the Residents' Bill of Rights, the home's policy to promote zero tolerance of abuse and neglect, the home's procedure for handling complaints, information about the Residents' Council and the RHRA, and a statement that residents may purchase care and other services from external providers.

All retirement homes must enter into a written agreement with each resident before the person begins living in the home. The agreement must be clear and concise and include, among other items, a statement whether the home will reimburse the resident for the loss of possessions and notice that RHRA inspectors may access personal information about the resident during an inspection.

Copies of the agreement and information package must be given to the resident or substitute decision maker (SDM) before the resident resides in the home, and any significant revisions or changes to the package must also be shared.

Public and Posted Information

The Act requires that certain information be publicly available in the home in an easily accessible location (e.g. at the main reception desk). This information includes the resident information package; copies of final RHRA inspection reports, orders and decisions in the past two years; and minutes from the most recent Resident's Council meeting if provided by the Council.

Other information must be posted in a public and easily accessible location and includes:

- mandatory reporting poster (section 75)
- Residents' Bill of Rights
- licence for the retirement home
- RHRA contact information
- fire and evacuation procedures
- language that services are provided in the home
- inspection report

Residents' Council

Residents may establish a Residents' Council for the home if they choose to do so. Only residents can be members. Powers of the Council are set out in the Act and include the power to:

- inform residents of their rights
- attempt to resolve disputes between the home and residents
- sponsor and plan activities for residents
- provide advice and recommendations to the home about its operations
- improve care and quality of life
- act as a tenants' association under the *Residential Tenancies Act, 2006*

In dealing with the Council, the home must meet specific obligations. For example, if the home is advised of concerns about its operations then the home must respond to the Residents' Council in writing within ten (10) days of receiving the information or advice. Other duties of the home include making meeting space available, if possible, and providing areas for the Council to post notices. The home must also appoint a Resident's Council assistant who is acceptable to the Council to assist it with its operations. The assistant cannot interfere or obstruct the duties of the Council.

For More Information

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