

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO  
AS REPRESENTED BY THE  
MINISTER RESPONSIBLE FOR SENIORS**

**-AND-**

**THE RETIREMENT HOMES REGULATORY AUTHORITY (RHRA)**

## **RECITALS**

**WHEREAS** the Minister and the Retirement Homes Regulatory Authority (RHRA) are required to enter into a memorandum of understanding pursuant to section 18 of the Retirement Homes Act, 2010;

**AND WHEREAS** the Minister is accountable to the people of Ontario as a member of the Legislative Assembly and as a Minister of the Crown in right of Ontario;

**AND WHEREAS** the RHRA is accountable to the Minister and the government for activities under its statutory mandate;

Recognizing that the Minister is responsible for recommending legislative and regulatory changes to the Lieutenant Governor in Council;

Recognizing that the RHRA administers the Act and regulations on behalf of the Minister and can provide valuable information to the government regarding the operational effectiveness of the Act and the regulations and that both parties acting in the public interest are dependent on a collaborative relationship;

Recognizing that the RHRA, when fully operational, is not funded by the government and that the RHRA is not self-regulating;

**AND WHEREAS** it is the intention of the Minister and the RHRA that they exercise their powers and duties under the Act and regulations in such a manner as to ensure that a Retirement Home is operated so that it is a place where residents live with dignity, respect, privacy and autonomy, in security, safety and comfort and can make informed choices about their care options;

**NOW THEREFORE** the parties hereafter enter into this memorandum of understanding.

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## 1. DEFINITIONS

- (1) In this memorandum of understanding:
- a) "Act" means Retirement Homes Act, 2010 and its associated regulations;
  - b) "Advisory Committee" means the committee to be established pursuant to section 7(29) of this MOU;
  - c) "Board" means the Board of Directors of the RHRA and includes the Interim Board;
  - d) "Chair" means the Chair of the RHRA's Board of Directors;
  - e) "Consumer" means a resident, a family member of a resident, a person of importance to a resident, a representative of a seniors' organization or an individual who advocates for seniors;
  - f) "CRO" means the Complaints Review Officer as appointed under section 25 of the Act;
  - g) "Crown" means Her Majesty the Queen in Right of the Province of Ontario;
  - h) "Inspector" means the Registrar or an inspector appointed by the Registrar under section 76 of the Act;
  - i) "Interim Board" means the Interim Board as established under section 13 of the Act;
  - j) "Investigator" means a person appointed under section 80 of the Act;
  - k) "Lobbyist" means an individual who, for payment, undertakes to Lobby on behalf of the RHRA, but does not mean an individual who is employed by the RHRA, a significant part of whose duties is to Lobby on behalf of the RHRA;
  - l) "Lobby" means to arrange a meeting between a public office holder and any other person or to communicate with a public office holder in an attempt to influence,
    - (i) the development of any legislative proposal by the Government of Ontario or by a member of the Legislative Assembly,
    - (ii) the introduction of any bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any bill or resolution that is before the Legislative Assembly,
    - (iii) the making or amendment of any regulation as defined in Part III (Regulations) of the Legislation Act, 2006,

- (iv) the development or amendment of any policy or program of the Government of Ontario or the termination of any program of the Government of Ontario,
  - (v) a decision by the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or to the public,
  - (vi) a decision by the Executive Council, a committee of the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Crown, or
  - (vii) the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown.
- m) "MBC" means Management Board of Cabinet;
  - n) "Minister" means Minister Responsible for Seniors or any other member of the Executive Council to whom responsibility for this Act is assigned or transferred under the Executive Council Act;
  - o) "MOU" means the memorandum of understanding entered into between the Minister and the RHRA as required under section 18 of the Act and includes all attached schedules and appendices and any agreement, schedule or appendix in writing supplementing or amending this MOU or any schedule;
  - p) "OSS" means the Ontario Seniors' Secretariat;
  - q) "Registrar" means the Registrar appointed under section 23 of the Act;
  - r) "Retirement Home" means a retirement home as defined in the Act and regulations;
  - s) "RHRA" means the Retirement Homes Regulatory Authority established under section 10 of the Act;
  - t) "RO" means the Risk Officer as appointed under section 24 of the Act;
  - u) "TB" means Treasury Board.

## **2. PURPOSE OF THE MOU**

- (1) The MOU between the Minister and the RHRA clarifies the roles, duties and responsibilities of the parties in relation to the administration of the Act and administrative matters under the Act.
- (2) The MOU sets out the accountability framework between the parties and clarifies the administrative, financial, auditing, legislative and regulatory development, and working and reporting relationships between the parties.

- (3) The MOU should be read together with the Act. This MOU does not affect, modify or limit the powers of the RHRA as set out in the Act, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.

### 3. CROWN AGENCY STATUS

The RHRA, including its members, directors and officers, and any inspectors and other persons employed, retained or appointed by the RHRA, are not agents of the Crown.

### 4. STATUTORY MANDATE

The objects of the RHRA as set out in clauses 16 (a) to (d) of the Act form the mandate of the RHRA.

### 5. OBJECTS

- (1) The objects of the RHRA are set out in clauses 16 (a) to (e) of the Act.
- (2) Any additional objects of the RHRA assigned to it by the Minister pursuant to subsection 16 (e) of the Act shall be set out in **Schedule "A"** attached to this MOU. **Schedule "A"** may be amended from time to time by the Minister.

### 6. ACCOUNTABILITY RELATIONSHIPS

- (1) The Minister is accountable to the Legislative Assembly for the fulfilment of the statutory mandate of the RHRA and for reporting to the Legislative Assembly on the affairs of the RHRA.
- (2) The Chair is accountable to the government for the performance of the RHRA. The Chair acknowledges that accountability to the government means accountability to the Minister.
- (3) The Board is accountable to the government. The Board acknowledges that accountability to the government means accountability to the Minister through the Chair.

### 7. ROLES AND RESPONSIBILITIES OF THE PARTIES

#### The Minister

- (1) The Minister is responsible for overseeing the performance of the RHRA with respect to its statutory mandate and for reporting to the Legislative Assembly on its activities. For this purpose, the Minister requires timely access to information from the RHRA as set out in **Schedule "B"**.
- (2) In relation to the Act, the Minister is solely responsible for recommending regulatory changes to the Lieutenant Governor in Council or legislative changes in the Legislative Assembly.
- (3) The Minister shall make reasonable efforts to engage the RHRA throughout the policy development process. The Minister shall make reasonable efforts to work

with the RHRA to coordinate public and stakeholder communications and consultations regarding any proposed legislative, regulatory or policy changes.

- (4) The Minister shall use reasonable efforts to consult with the RHRA in respect of current or proposed legislation or policy, which will directly impact on the RHRA's administration of the Act.
- (5) The Minister may, where the Minister deems appropriate, delegate, make, or assign to the RHRA such additional authority, appointments or consents as are within the Minister's control.
- (6) The Minister may, where the Minister deems appropriate, assist the RHRA in obtaining any additional authorities, appointments or consents, where the granting of such are not within the Minister's control.
- (7) The Minister may, where the Minister deems appropriate, work with other ministries in facilitating agreements and relationships with the RHRA.
- (8) The Minister may, where the Minister deems appropriate, in consultation with the RHRA and as approved by the Lieutenant Governor in Council or such other government personnel or bodies as are required, conduct intergovernmental relations and negotiate trade and other binding intergovernmental agreements.
- (9) If the Minister considers it in the public interest to do so, the Minister may appoint an administrator of the RHRA under section 32 of the Act. The Minister shall give the Board at least 14 days written notice before appointing the administrator, unless there are not enough directors on the Board to form a quorum.
- (10) The Minister may, where the Minister deems appropriate, conduct performance, governance, accountability or financial reviews of the RHRA. If feasible, the Minister will provide the RHRA with reasonable notice of any such review.
- (11) The Minister shall undertake a review of the Act in accordance with subsection 120 (1) of the Act.
- (12) The Minister and Chair shall meet at least semi-annually.

#### **The RHRA**

- (13) The RHRA shall carry out its duties and responsibilities in accordance with the Act, this MOU, the law, and in accordance with the principle that a Retirement Home is to be operated so that it is a place where residents live with dignity, respect, privacy and autonomy, in security, safety and comfort and can make informed choices about their care options.
- (14) The RHRA is responsible for acquiring adequate resources, including financial resources, to comply with the Act, this MOU, and to operate in accordance with the business plan that it shall provide to the Minister under subsection 10 (2) of this MOU.

- (15) The RHRA shall immediately report to the Minister any reason for concern about the financial state of the RHRA or the ability of the RHRA to fulfil its statutory mandate.
- (16) The RHRA is responsible for maintaining appropriate performance measurements, governance, and financial and risk management processes with sound internal controls to conduct the RHRA's operations effectively, efficiently, economically and with regard to stakeholders' and the public's expectations for the prudent use of funds.
- (17) The RHRA is responsible for providing the Minister with the information prescribed in **Schedule "B"** and shall also provide information in relation to any matter under the control of the RHRA and related to the Act or the public interest as requested by the Minister and shall do so, in a case of urgency, in the sole discretion of the Minister, immediately upon the request of the Minister, and in all other cases, within a reasonable time to be agreed with the Minister, but excluding information that is subject to confidentiality restrictions imposed by applicable laws.
- (18) The RHRA shall facilitate any review required by the Minister under subsection 120 (1) of the Act and subsection 7 (10) of this MOU with its reasonable efforts and shall provide a report on any such review within a reasonable time requested by the Minister.
- (19) It is the role of the RHRA, when able and appropriate, to coordinate its enforcement activities in relation to the investigation of serious incidents with the enforcement activities of other provincial, federal and municipal enforcement authorities.
- (20) The RHRA shall comply with all policy directions issued by the Minister under section 19 (1) of the Act. Any policy direction issued by the Minister will be listed in Appendix 1 to this MOU.
- (21) The RHRA shall participate in the development of policy in a manner as requested by the Minister with respect to proposed legislative, regulatory, or policy changes related to the Act or the administration of the Act, including collecting specific information requested by the Minister. The RHRA shall work with the Minister to coordinate public and stakeholder communications and consultations regarding any proposed legislative, regulatory or policy changes.
- (22) The RHRA shall provide timely information and advice to the Minister regarding any issues or concerns related to the administration of the Act that may require legislative, regulatory or policy changes.
- (23) The RHRA shall appoint a RO in accordance with section 24 of the Act and **Schedule "C"** of this MOU. The RHRA shall ensure that the RO performs his or her duties and responsibilities in accordance with the Act and this MOU.
- (24) As required by subsection 24 (6) of the Act, the RHRA shall provide the RO with access to any information and records that the RO believes to be necessary to perform the duties of the RO.

- (25) The RHRA shall appoint a CRO in accordance with section 25 of the Act and **Schedule "D"** of this MOU. The RHRA shall ensure that the CRO performs his or her duties and responsibilities in accordance with the Act and this MOU.
- (26) As required by subsection 88 (7) of the Act, the RHRA shall provide the CRO with access to any information and records required to perform the duties of the CRO.
- (27) The RHRA shall appoint a Registrar in accordance with section 23 of the Act and **Schedule "E"** of this MOU.
- (28) The RHRA shall cooperate with an Administrator appointed by the Minister under section 32 of the Act.
- (29) The RHRA shall establish the Advisory Committee in order to advise the RHRA which shall be comprised of at least one consumer and at least one representative of the retirement home sector and any other individuals selected by the Board. The terms of reference for and manner of appointment to the Advisory Committee established pursuant to this clause will be posted on the RHRA's website and a report on the activities and advice provided by the Advisory Committee will be included in the annual report prepared pursuant to subsection 10 (5) of this MOU.
- (30) The RHRA shall operate in accordance with the following TB and MBC directives:
- the Procurement Directive as it applies to Other Included Entities; and
  - the Broader Public Sector Expenses Directive.
- (31) The RHRA shall, within six (6) months of the first meeting of the Interim Board, develop a French Language Services Delivery Policy to ensure compliance with section 110 of the Act. This policy, once developed, shall be attached to this MOU as **Schedule "F"** and shall include a set of measures taken to ensure that French language services are actively offered in any dealings with the RHRA.
- (32) The RHRA may make by-laws pursuant to subsection 14 (1) of the Act and shall make a by-law pursuant to subsection 14 (2) of the Act. The RHRA shall make all by-laws available to the public within 30 days after they are made by the Board and shall post the by-laws on the RHRA's website, once operable.
- (33) The RHRA shall not use public funds or funds generated under the Act to hire Lobbyists to lobby the provincial government.

## **8. BOARD COMPOSITION, APPOINTMENT AND CHAIR**

### **Board Composition and Appointment of Directors**

- (1) Where the Minister has not set, by order, qualifications for being a director of the RHRA, the RHRA shall establish and maintain competency criteria for the Board, setting out the skills and competencies that are required for (members of) the Board, which shall be provided to the Minister by January 1, 2012, and then

approved by the Minister and, once developed, shall be attached as **Schedule "G"**. Subject to subsection 12 (6) of the Act, the Minister may have regard to the competency criteria used by the Board when making appointments to the Board pursuant to subsections 12 (4) and (5) of the Act.

- (2) The Act provides that where the Minister has by order set the qualifications for being a director only those persons who meet such qualifications may be elected or appointed. Where there is a conflict between subsections 8 (1) and 8 (2) of this MOU, 8 (2) shall prevail.
- (3) The RHRA shall make a specific by-law regarding who can serve as a director elected to the Board, the criteria for their nomination, the process for their election, the length of their term and whether they can be re-elected. The draft by-law shall be provided to the Minister by January 1, 2012. The Minister shall approve or provide comments to the RHRA on the draft by-law within a reasonable time. Once approved in writing by the Minister this by-law shall be made available for public inspection including posting on the RHRA's website within 30 days.
- (4) Where the Minister has made an order pursuant to subsection 12 (9) of the Act and where there are inconsistencies between the order and the by-law developed under subsection 8 (3) of this MOU, the Minister's order shall prevail. The Minister's order shall be attached to this MOU as a schedule and RHRA shall post the order on its website.
- (5) The RHRA shall establish a process to enable input from Consumers and individuals representing the Retirement Home sector into the nomination process for selecting eligible candidates for the Board to consider for membership.
- (6) The Minister shall endeavour to recommend to the Lieutenant Governor in Council that it make appointments to the Board in a timely manner.
- (7) The Minister may consult with the RHRA regarding any proposed changes to the composition of the Board.
- (8) The RHRA shall demonstrate good corporate governance and shall provide the Minister with reasonable advance notice of any by-law changes related to its governance structure.

#### **Information Required from the Board**

- (9) Commencing two (2) years after the permanent Board is first elected, the Board shall conduct a Board evaluation, including an evaluation of board members, no less frequently than once every two (2) years in accordance with best practices. The review shall be facilitated by an independent third party and a copy of the review shall be provided to the Chair.
- (10) The Board shall adopt a binding code of ethics for its directors, officers, inspectors, and every other person employed, retained or appointed by the RHRA. As required under subsection 26 (a) of the Act the RHRA shall include rules respecting conflicts of interest, political activity and disclosure of

wrongdoing. The code of ethics is subject to the approval of the Minister. Upon approval by the Minister, the code shall be attached to this MOU as **Schedule "H"**.

- (11) The Board shall hold an annual general meeting, where the Board shall present its annual report and audited financial statements, and report to the members of the RHRA on the affairs of the RHRA for the immediately preceding year. It shall be held within 6 months of the end of the financial year, shall be open to the general public and the Board shall make reasonable efforts to inform the general public of such meeting.

#### **Minister's Designation of Chair**

- (12) The Minister shall designate a Chair of the Board from among the directors of the Board as soon as practical in advance of the annual general meeting and, for this purpose, the Minister may consider the views of the Board, competency criteria, qualifications established by Minister's order if applicable, succession planning, and any other matter the Minister considers advisable in the circumstances.
- (13) Subject to subsection 8 (15) of this MOU, the term of the Chair shall be concurrent with that person's term as director of the Board.
- (14) The designation of the Chair is at the pleasure of the Minister.

#### **Regulatory Affairs Oversight**

- (15) In addition to fulfilling its corporate governance functions, the Board shall be responsible for carrying out the following regulatory governance functions:
  - a) Reviewing the adequacy and effectiveness of the RHRA's risk-based licensing and enforcement framework to ensure compliance with the Act;
  - b) Reviewing implementation of and reporting on the risk-based licensing and enforcement framework;
  - c) Providing strategic advice on potential or proposed policy changes.

### **9. STATUTORY APPOINTMENTS**

- (1) The RHRA shall make and maintain all statutory appointments required by the Act.
- (2) The RHRA agrees that the position and functions of the statutory appointment positions under the Act shall be exercised by appointees of the RHRA and will not be exercised by the Board, the Chair or a member of the Board. The RO and the CRO shall only undertake those duties and responsibilities assigned to them by the Act and its associated regulations.
- (3) The RHRA acknowledges that the Registrar, inspectors, investigators, and other officers exercising statutory and regulatory duties require independent decision-making and, for that purpose, the RHRA agrees that the Board and the Chair

shall not interfere with the independent exercise of these statutory functions but reserves the right to review how those functions are carried out, consistent with its duty to supervise the management of the business affairs of the RHRA and ensure it is consistent with the RHRA's statutory mandate and objects. In addition, the RO and the Minister shall not interfere with the independent exercise of these statutory functions.

## 10. CORPORATE REPORTING

- (1) The RHRA shall develop and provide the Minister with a three-year strategic plan for the RHRA. The Minister and the RHRA shall develop a process for consultation and approval with the Minister and this process, once developed shall be attached as **Schedule "I"**. The RHRA shall make the strategic plan available for public inspection including posting on the RHRA's website.
- (2) The RHRA shall provide the Minister each year, not later than three months before the end of its financial year, with a business plan for the forthcoming year (as will be set out in **Schedule "I"**) in a format acceptable to the Minister. The Minister will have at least three months to review and comment on the business plan, after approval of the Board, but prior to publication. The RHRA shall make the business plan available for public inspection including posting on the RHRA's website.
- (3) Notwithstanding subsection 10 (2) of this MOU, within six (6) months of its first Board meeting the Interim Board shall provide the Minister with an initial business plan for fiscal year 2011/12.
- (4) **Schedule "I"** shall be approved by the RHRA no later than January 1, 2012.
- (5) The RHRA shall provide to the Minister each year, not later than three (3) months after the end of its financial year, with an annual report about its activities and financial affairs, including audited financial statements with note disclosures (as set out in **Schedule "I"**) in a format acceptable to the Minister. The RHRA shall provide the Minister with at least two months to review and comment on the annual report, after approval of the Board, but prior to publication. The RHRA shall make the annual report available for public inspection, including posting on the RHRA's website, on the day specified by the Minister or three (3) months after the day the RHRA gave the report to the Minister, if the Minister has not already specified an earlier date.
- (6) The RHRA's business plan shall set out the means by which the RHRA shall ensure compliance with section 110 of the Act, and the RHRA's annual report shall account for how this was done.
- (7) The RHRA's business plan shall set out the means by which complaints related to the administration of the RHRA are responded to and resolved and the RHRA's annual report shall account for how these complaints were responded to and resolved. This subsection shall not apply to complaints about Retirement Homes handled by the CRO, including complaints made pursuant to sections 81 to 89 of the Act.

- (8) The RHRA shall conduct an effectiveness survey of its stakeholders at least once every three (3) years. The effectiveness survey of its stakeholders shall be facilitated by an independent third party. The results of the survey produced by the third party shall be shared with the Ministry and a summary posted to the RHRA's website.
- (9) The RHRA shall develop performance measures acceptable to the Minister regarding the administration of the RHRA, such performance measures to be on a quarterly basis each year commencing for the quarter ended June 30, 2012. These measures will be based on a stable set of performance metrics that will reflect the regulated sector and enable a year to year comparison. When a year-to-year comparison is not possible because of a change in performance metrics, the RHRA shall provide the Ministry with sufficient information to make a comparison. The RHRA and Minister will agree upon when reporting begins of such performance measures, but it shall be no later than the second quarter ended September 30, 2012. The agreed-upon performance measures shall be set out in Schedule "I".

## **11. AUDIT**

The RHRA shall appoint auditors in compliance with the Corporations Act, R.S.O. 1990, c. C.38.

## **12. FINANCIAL ARRANGEMENTS**

### **Fines**

- (1) The RHRA acknowledges that fines imposed by a court under the Act further to proceedings taken by the RHRA under the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended, cannot be collected or retained by the RHRA.

### **Administrative Penalties and Emergency Fund**

- (2) The RHRA shall impose and handle administrative penalties in accordance with the Act and shall administer the Retirement Homes Regulatory Authority Emergency Fund in accordance with the Act as regulations thereunder relating to the Emergency Fund. The Emergency Fund shall be held in a Canadian financial institution.

### **Fees**

- (3) Within five (5) months of its first Interim Board meeting, the RHRA shall develop fees, costs or other charges related to its duties, roles and responsibilities under the Act, in accordance with the process and criteria to be approved by the Minister, and once developed shall be set out in **Schedule "J"**. The RHRA shall ensure that, collectively, the charges and other fees are set so as to meet the anticipated costs of the RHRA to administer and enforce the Act.
- (4) Pursuant to subsection 21 (2) of the Act, the RHRA shall not set or charge a fee for making a complaint to the Registrar as described in subsection 83 (1) of the Act.

- (5) The RHRA agrees to pay to the Minister such amounts to be set out in **Schedule "K"** on a timely basis and on the terms to be set out in "**Schedule K**". **Schedule K** shall be developed and approved by the parties no later than January 1, 2012.

#### **Board Other**

- (6) Per diem and partial per diem payments to the Interim Board shall be made according to the applicable remuneration Order-in-Council.
- (7) The Interim Board shall, no later than January 1, 2012, establish a remuneration policy for the Board. Board members appointed by the Lieutenant Governor in Council shall be paid by the RHRA in an amount and on a basis that is equivalent to all other members of the Board. Where such Board members are employed by the Crown, including as a public servant pursuant to the Public Service of Ontario Act, 2006, those Board members shall not receive any remuneration from the RHRA. The RHRA shall make the remuneration policy available to the Minister for review to ensure it is fair and transparent.
- (8) The RHRA shall make Board salaries public.

#### **13. RECORDS, PRIVACY AND ACCESS**

- (1) The RHRA shall, at all times, comply with sections 113 and 114 of the Act.
- (2) Subject to sections 113 and 114 of the Act and the Personal Health Information and Protection Act, 2004 and **Schedule "L"** of this MOU, which is to be developed and agreed to by the parties, all records obtained, created, or maintained by the RHRA in the course of carrying out its duties are the property of the RHRA and the RHRA is the sole owner and custodian of such records and information and may use them for its legitimate purposes in the administration of the Act.
- (3) Subject to sections 113 and 114 of the Act and regulations made under the Act and the Personal Health Information and Protection Act, 2004, the RHRA shall, within six (6) months of its first Interim Board meeting, develop and thereafter maintain an access and privacy code addressing issues of access to information, protection of personal information, and effective procedural remedies. Upon approval by the Minister, the code, once developed, shall be attached to this MOU as **Schedule "L"**.

#### **14. INSURANCE**

- (1) The RHRA shall at all times maintain adequate insurance, at its own expense, against liability arising out of the RHRA's carrying out its administration of the Act or its duties under the Act, or this MOU.
- (2) The RHRA shall arrange for the completion and submission of a certificate of liability insurance which shall include a provision requiring the insurer to give prior notice to the Minister in the manner set forth in the policy conditions in the event that the policy is changed or cancelled.

- (3) The RHRA shall take all reasonable steps to protect itself from and against all claims which might arise from the carrying out of its duties under the Act by the RHRA, its officers, employees and agents where bodily injury (including personal injury), death or property damages is caused and for this purpose shall, without restricting the generality of the foregoing, maintain, at its own expense:
  - a) commercial general liability insurance, with insurers having a secure A.M. Best rating of B+ or greater and subject to limits of not less than twenty-five (25) million dollars inclusive per occurrence of bodily injury, (including personal injury), death and damage to property including loss of the use thereof, and automobile liability insurance (owned and non-owned or hired units); and
  - b) Directors and Officer Liability Insurance.
- (4) The commercial general liability insurance shall include the Crown as an additional insured, but only in respect of and during the performance of the RHRA of its administration of the Act or this MOU. In addition, the policy of liability shall contain a cross-liability clause or endorsement.
- (5) The RHRA shall, at the Minister's request, provide the Minister with certificates of insurance or other proof that confirms the insurance coverage provided for in section 14 of the MOU.
- (6) In the event that the Minister imposes an obligation on the RHRA by way of legislative or regulatory amendments or otherwise, which gives rise to exposure to liability on the part of the RHRA for which the RHRA cannot reasonably obtain appropriate liability insurance, the RHRA shall provide immediate notice to the Minister in writing of the uninsured risk and the RHRA and the Minister shall identify appropriate measures to resolve the issue to the satisfaction of both parties.

## **15. INDEMNITY AND RELEASE**

- (1) The RHRA shall indemnify the Crown in respect of damages and costs incurred by the Crown as a result of any act or omission of the RHRA, a director or officer of the RHRA, an inspector or any other person employed, retained or appointed by the RHRA.
- (2) The indemnification in subsection 15 (1) survives termination of this MOU for the maximum period permitted by law or contract and the RHRA shall be required to have insurance and/or bonding for this purpose and shall provide the Minister with proof of same.
- (3) The RHRA agrees that the Crown is not liable for any losses, bodily or personal injury or property damage of any nature whatsoever that may be suffered or sustained by the RHRA, its directors, appointees, officers, employees or agents related to, occasioned by, or in any way attributable to the RHRA's carrying out the administration of the Act or its duties under the Act, or this MOU and the Act, unless the loss, injury, or damage is caused by the negligence or the wilful

misconduct of a Crown employee while acting within the scope of his/her employment.

## **16. LITIGATION**

- (1) In any proceedings, including inquests, related to the Act in which the Crown is a party, either as a result of any alleged act or omission of the RHRA in its administration of the Act or otherwise, the Crown Law Office – Civil will represent the Crown unless the Ministry of the Attorney General agrees otherwise. The RHRA shall be responsible for all costs of the litigation and for the payment of any settlement costs agreed to and payable by it and any damages awarded against it, as a result of any act, omission or fault of the RHRA, subject to order of the court or agreement of the parties otherwise.
- (2) In any proceedings, including inquests, not related to the RHRA's administration of the Act, in which the Crown is a party, arising from or in any way connected with any activity undertaken by, or alleged act or omission of the RHRA, the Crown Law Office – Civil will represent the Crown unless the Ministry of the Attorney General agrees otherwise. The RHRA shall be responsible for all costs of the proceedings or litigation and for the payment of any settlement costs agreed to and payable by it and any damages awarded against it.
- (3) The RHRA shall have authority to and may carry out all prosecutions related to the Act on behalf of and in the name of the Crown, all in accordance with, pursuant to and in furtherance of the obligations of the RHRA, hereunder and under the Act, to administer the Act.
- (4) The Minister or the Crown shall keep the RHRA informed, in a timely manner, of any litigation by or against the Crown or in which the Crown is an interested party that may affect the interests of the RHRA.
- (5) The RHRA shall keep the Minister or the Crown informed, in a timely manner, of any litigation by or against the RHRA or in which the RHRA is an interested party that may affect the interests of the Minister or the Crown.

## **17. JURISDICTION**

This agreement shall be governed by the laws of the Province of Ontario and the laws of Canada applicable therein.

## **18. ENTIRE AGREEMENT**

The Minister and the RHRA agree that this MOU and any schedules and appendices hereto, as amended from time to time form the entire MOU between the parties and supersede any prior understanding or agreement, collateral, oral or otherwise, existing between the parties at the date of the execution of this MOU.

## **19. PUBLIC DOCUMENT**

The parties agree that this MOU, including the schedules and appendices hereto, and any amendments, shall be made available to the public by either party upon request to that party by

any member of the public and that each party will post the MOU, schedules and any amendments to that party's website within 30 days of the date of execution.

**20. TERM OF AGREEMENT**

- (1) This MOU comes into effect on the date of execution of this MOU by both parties and continues until such time as this MOU is replaced.
- (2) Despite subsection 20 (1), if a new Chair or Minister takes office before this MOU expires, the Minister and Chair must affirm by letter that the MOU will continue in force without a review; or alternatively, they may agree to revise it.
- (3) The parties may amend the MOU by way of written mutual agreement. The MOU continues to bind both parties until any amendments have been agreed to by both parties and an amending or replacement MOU had been executed by both parties.
- (4) The parties shall conduct a review of the MOU on or before every five (5) years from the date it came into effect. Despite the foregoing, either party may initiate a review of the MOU when advisable in the public interest upon giving notice to the other.

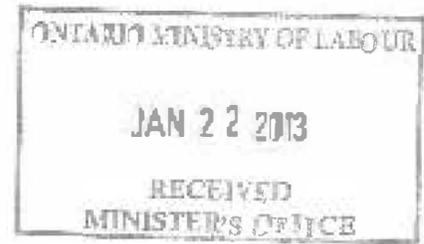
*Mary Catherine Lindsay*  
\_\_\_\_\_  
Chair

*Feb. 25 / 2011*  
\_\_\_\_\_  
Date

*Sophia Angelositi*  
\_\_\_\_\_  
Minister

*march 2 / 11*  
\_\_\_\_\_  
Date

Honourable Linda Jeffrey  
Minister Responsible for Seniors  
14th Floor, 400 University Ave  
Toronto, ON M7A 1T7



January 17, 2012

**RECEIVED FEB 4 0 2013**

Dear Minister Jeffrey,

**Re: Memorandum of Understanding (MOU) with the Retirement Homes  
Regulatory Authority (RHRA)**

As you are aware the very recent election of the permanent Board is an important step forward but will require time for orientation and the ability of Board members to address a number of corporate and regulatory issues of importance. At the founding meeting of the Board on December 18, 2012, a resolution was passed that adopted the existing MOU and all its attached schedules with the intent to review and amend with government in 2013.

The purpose of this letter is to affirm the RHRA's intention that the MOU and all its attached schedules continue to be in force, subject to the following minor revisions or adjustments with respect to dates.

1. The RHRA will submit an updated strategic plan required under subsections 10(1) and (3) of the MOU. The strategic and business planning processes are expected to align in 2013 and beyond.
2. For purposes of the 2012-13 Annual Report, RHRA developed performance measures. As per subsection 10(9), the RHRA will develop ongoing performance measures and will submit to the Minister for approval by the end of Q1 2013-14.
3. Under section 1 of Schedule C to the MOU, the RHRA Board will recommend an individual to be appointed as the Risk Officer in Q3 of 2013-14 in order that the regulation requirement of January 1, 2014 can be met.

Our intent is to initiate discussion with the potential for more substantial revisions, including discussions on any outstanding MOU schedules, later in 2013.



LETTER OF AFFIRMATION  
OF THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

As represented by  
THE MINISTER OF SENIORS AFFAIRS

AND  
THE RETIREMENT HOMES REGULATORY AUTHORITY

**WHEREAS** a Memorandum of Understanding ("MOU") was entered into between the Minister Responsible for Seniors and the Chair of the Retirement Homes Regulatory Authority on March 2, 2011;

**AND WHEREAS** there has been a change in the Minister and a change in the Chair;

**AND WHEREAS** subsection 20(2) of the MOU provides that if a new Chair or a new Minister is appointed, the MOU must be affirmed by both parties;

**AND WHEREAS** in accordance with the requirements set out in section 18 of the *Retirement Homes Act, 2010*;

**NOW THEREFORE** the Chair of the Retirement Homes Regulatory Authority and the Minister of Seniors Affairs hereby confirm that they have reviewed the MOU, including all its attached schedules, and that the MOU continues to be in force until it is replaced by the parties, subject to a revised Schedule C – The Risk Officer.



The Honourable Dinka Damerla  
Minister of Seniors Affairs

April 26, 2017  
Date



John J. Rosser, Chair  
Retirement Homes Regulatory Authority

March 30, 2017  
Date



**LETTER OF AFFIRMATION  
OF THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

As represented by

**THE MINISTER FOR SENIORS AND ACCESSIBILITY**

**AND**

**THE RETIREMENT HOMES REGULATORY AUTHORITY**

**WHEREAS** a Memorandum of Understanding (“MOU”) was entered into between the Minister Responsible for Seniors and the Chair of the Retirement Homes Regulatory Authority, on March 2, 2011;

**AND WHEREAS** the MOU was affirmed on January 23, 2013 by the Minister Responsible for Seniors and the Chair of the Retirement Homes Regulatory Authority;

**AND WHEREAS** the MOU was again reaffirmed, and amended, on April 25, 2017 by the Minister of Seniors Affairs and the Chair of the Retirement Homes Regulatory Authority;

**AND WHEREAS** there has been a change in the Minister;

**AND WHEREAS** subsection 20(2) of the MOU provides that if a new Chair or a new Minister is appointed, the MOU must be affirmed by both parties;

**AND WHEREAS** in accordance with the requirements set out in section 18 of the *Retirement Homes Act, 2010*;

**NOW THEREFORE** the Chair of the Retirement Homes Regulatory Authority and the Minister for Seniors and Accessibility hereby confirm that they have reviewed the MOU, including all its attached schedules, and that the MOU continues to be in force until it is replaced by the parties.



The Honourable Raymond Cho  
Minister for Seniors and Accessibility

Oct 24, 2018  
Date



John J. Rossiter, Chair  
Retirement Homes Regulatory Authority

October 17, 2018  
Date



## SCHEDULE "B" -- INFORMATION SHARING AND COMMUNICATIONS PROTOCOL

This schedule outlines information sharing and communications protocols recognizing that the RHRA shall use reasonable efforts to respond to all the requests made by the Minister relating to:

- (a) the governance of the RHRA;
- (b) the administration of the Act and the regulations by the RHRA;
- (c) the memorandum of understanding under section 18 of the Act; or
- (d) a policy direction issued by the Minister under section 19 of the Act.

This schedule outlines information-sharing and communications protocols not already specified in the MOU or other Schedules to the MOU, such as Corporate Planning and Reporting.

Unless specifically outlined in this Schedule, when making information requests of the RHRA, the OSS shall inform the RHRA of the timeframe in which the information is needed.

Clear and direct lines of communication between the RHRA and OSS are essential. To facilitate information-sharing, the RHRA and the OSS will seek to achieve a "one-window" policy (being a single point of contact) with the RHRA's Registrar (the Registrar may delegate this responsibility in agreement with OSS) and the OSS being the access points.

In addition, the RHRA's Registrar (or an individual delegated by the Registrar with the agreement of OSS) and the OSS shall meet at least quarterly to discuss current issues, needs and other matters necessary for the proper administration of this schedule.

All communications planning processes between the OSS and RHRA are to be handled in a confidential manner.

| Description                                                   | Responsibility                                                                                                                                     |                                                                                                                                                                                                                       |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               | OSS                                                                                                                                                | RHRA                                                                                                                                                                                                                  |
| <b>General</b>                                                |                                                                                                                                                    |                                                                                                                                                                                                                       |
| Information requests made by the Minister or OSS of the RHRA  | OSS shall make best efforts to share with the RHRA the context in which the request for information is being made.                                 | In an urgent situation identified by the Minister of OSS, the RHRA shall respond immediately to such requests. In all other cases, the RHRA shall respond in a timely manner to requests made by the Minister or OSS. |
| Changes to or new directives of TB and MBC applicable to RHRA | OSS shall make best efforts to share with the RHRA new directives or changes to existing directives of TB and MBC that are applicable to the RHRA. |                                                                                                                                                                                                                       |
| <b>Cabinet Submissions</b>                                    |                                                                                                                                                    |                                                                                                                                                                                                                       |
| All issues                                                    | OSS develops submission.                                                                                                                           | RHRA is consulted where appropriate.                                                                                                                                                                                  |

|                                                                                                                                                                                                                                |                                                                                                                                                                  |                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Correspondence</b>                                                                                                                                                                                                          |                                                                                                                                                                  |                                                                                                                                                                                         |
| <i>The OSS and the RHRA will work together to issue responses whenever possible in a timely fashion respecting the requirement for the OSS to respond to all correspondence in fifteen (15) business days.</i>                 |                                                                                                                                                                  |                                                                                                                                                                                         |
| On all subjects directed to the Minister or OSS                                                                                                                                                                                | Correspondence is assigned to the OSS which actions to RHRA or drafts reply indicating referred to RHRA for direct response or drafts reply.                     | Responds directly under RHRA's own signature and copies OSS or supplies OSS with information required to reply.                                                                         |
| <b>Briefing Notes</b>                                                                                                                                                                                                          |                                                                                                                                                                  |                                                                                                                                                                                         |
| For Minister or OSS meetings with RHRA stakeholders                                                                                                                                                                            | OSS coordinates preparation of material, makes reasonable effort to notify the RHRA of the meeting, and discusses with the RHRA.                                 | Provides OSS with relevant information on stakeholder/issues.                                                                                                                           |
| For RHRA's meetings with OSS stakeholders (e.g. other ministries or agencies)                                                                                                                                                  |                                                                                                                                                                  | The RHRA makes reasonable efforts to notify OSS of the meeting and discusses with OSS.                                                                                                  |
| <b>Issues Management</b>                                                                                                                                                                                                       |                                                                                                                                                                  |                                                                                                                                                                                         |
| <i>The OSS and the RHRA will work together to issue responses in a timely manner respecting the requirement for the OSS to respond to all requests of a non-urgent nature for Issues Notes within the timeframe specified.</i> |                                                                                                                                                                  |                                                                                                                                                                                         |
| Issue note preparation (designed for use in the Legislature or to Cabinet)                                                                                                                                                     | OSS prepares issues note and supplies to ministry communications.                                                                                                | RHRA uses its reasonable efforts to provide information to OSS within timeframe specified.                                                                                              |
| Serious incidents (abuse/neglect, for example)                                                                                                                                                                                 | When the OSS is informed by the RHRA or through media reports, refer to "Serious Incident Communication Protocol" to be established between the two parties.     | RHRA informs OSS in accordance with the "Serious Incident Communication Protocol" to be established between the two parties.                                                            |
| Other possible serious contentious items (for example, stakeholder grievances/concerns)                                                                                                                                        | OSS informs ministry communications department and Deputy Minister's Office/Minister's Office and provides relevant details, key messages and response strategy. | RHRA informs OSS immediately upon becoming aware of an issue that could become public and be of a contentious nature and provides relevant details, key messages and response strategy. |
| <b>Media Relations</b>                                                                                                                                                                                                         |                                                                                                                                                                  |                                                                                                                                                                                         |
| Requests made to the OSS for interviews and background material on the RHRA's operational issues                                                                                                                               | Ministry Communications notifies OSS which, as appropriate, refers the request to the RHRA or obtains the required information for a                             | RHRA provides the required information or responds directly to the media request and advises OSS of the outcome from the media                                                          |

|                                                                                   |                                                                                                  |                                                                                                                                                             |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                   | response.                                                                                        | engagement.                                                                                                                                                 |
| Requests made to the RHRA for interviews and background material                  |                                                                                                  | RHRA informs the OSS as soon as possible of the request and outcome of the media engagement. Provides relevant details, key messages and response strategy. |
| Media releases issued by the RHRA                                                 | OSS shares a copy of the media release with OSS Communications and others as appropriate.        | RHRA shares release with the OSS in advance if appropriate.                                                                                                 |
| <b>Speeches/Speaking Notes</b>                                                    |                                                                                                  |                                                                                                                                                             |
| All OSS speeches/ speaking notes (any topic)                                      | OSS Communications prepares, OSS advises the RHRA.                                               | RHRA supplies OSS with information.                                                                                                                         |
| All RHRA speeches/speaking notes                                                  |                                                                                                  | RHRA supplies OSS with a copy.                                                                                                                              |
| <b>Other</b>                                                                      |                                                                                                  |                                                                                                                                                             |
| Information concerning communications campaigns/activities undertaken by the RHRA | OSS makes request to RHRA for information regarding planned communications campaigns/activities. | RHRA provides information on key communication activities to the OSS on a quarterly basis and on request.                                                   |
| Information concerning Board member competencies                                  | OSS makes request as required.                                                                   | RHRA provides at least annually and as requested: Board member names, tenures and competency information.                                                   |

*Mary Catherine Leonard*  
 \_\_\_\_\_  
 Chair

*Feb 21/2011*  
 \_\_\_\_\_  
 Date

*Sophia Aggeloniti*  
 \_\_\_\_\_  
 Minister

*March 2/11*  
 \_\_\_\_\_  
 Date

## SCHEDULE "C" – THE RISK OFFICER

- (1) Within six (6) months of the first Interim Board meeting, the Board shall recommend an individual to be appointed as the RO and shall provide his or her name to the Minister for the Minister's consent. For this purpose, the Minister shall provide the consent in writing, in advance of the appointment.
- (2) In determining whether to consent to the appointment of the proposed RO, the Minister shall consider whether the proposed RO:
  - a) has appropriate credentials and competencies to effectively discharge the duties of the position;
  - b) has experience or familiarity with internal audit principles and best practices;
  - c) has demonstrated understanding of the area of senior care;
  - d) has exhibited the ability to work with impartiality, objectivity and integrity;
  - e) is not a current employee or has not been a past employee, officer or director of the RHRA within the past four (4) years;
  - f) has not been an operator of a Retirement Home or licensee in the past four (4) years; and
  - g) any other matter the Minister considers appropriate, on giving reasonable notice to the Board.
- (3) The RO shall be appointed for a term of at least three (3) years in accordance with subsection 24 (1) of the Act which requires, in addition to the Minister's approval, a resolution approved by two-thirds of the Board. The RO may be reappointed. The RO may only be removed from the position by the Board and in accordance with subsection 24 (2) of the Act, which requires a resolution approved by at least two-thirds of the Members of the RHRA. The Board shall advise the Minister of any action it proposes to take under this subsection 24 (2).

### **Accountability**

- (4) The RO shall report directly to the Board.
- (5) The Board and the Minister acknowledge that the RO exercises an independent role, pursuant to the Act and that the duties of the RO require independent decision-making. For this purpose, and subject to section (3) above, the Board and the Minister shall not interfere with the independent exercise of the RO's role. For this purpose, the parties acknowledge that it is the explicit employment duty of the RO to report to the Board or the Minister, as the case may be, any interference in the RO's discharge of RO duties.

## Duties and Responsibilities

- (6) The RO shall independently review and assess the effectiveness of the RHRA's administration of the Act and regulations, including the RHRA's activities and proposed activities related to ensuring that licensees meet the care, standards and safety standards set out in the Act and regulations and respect the rights of residents set out in the Act and regulations, including comments on the RHRA's annual report.
- (7) The RO may, subject to section 13 of this schedule, prepare a report on any matter related to the activities of the RHRA or proposed activities if the RO considers it in the public interest to do so.
- (8) The RO shall, subject to subsection section 13 of this schedule, prepare a report on an annual basis as required by clause 24 (4) (a) of the Act and such other reports as may be requested by the Board or the Minister. The RO's annual report shall include an overview of the RO's activities and operations, highlight key recommendations arising out of any other report issued by the RO in the preceding year, and any other matter the RO considers relevant.
- (9) The annual report prepared by the RO shall be made available at the RHRA's next annual meeting of Members and shall be made available to the public promptly after the meeting.
- (10) Within six months after receiving any other report prepared by the RO the Board shall review the report and make it available for public inspection.
- (11) The Minister shall review a report prepared by the Risk Officer under clause 24 (4) (c) of the Act within six months after receiving the report and shall make it available for public inspection in accordance with subsection 24 (9) of the Act.
- (12) The RO shall not at any time accept or engage in any of the following duties:
  - a) accept any statutory, regulatory, administrative or enforcement responsibilities, unless prescribed under clause 24 (3) (b) of the Act.

Chair

Date

Minister

Date

## SCHEDULE "D" – THE COMPLAINTS REVIEW OFFICER

### Appointment

- (1) The CRO shall be appointed for a term of at least three (3) years in accordance with subsection 25 (1) which requires a resolution approved by two-thirds of the Board. The CRO may be reappointed. The CRO may only be removed from the position by the Board and in accordance with subsection 25 (2) which requires a resolution approved by at least two-thirds of the members of the Board. The Board shall advise the Minister of any action it proposes to take under this provision.

### Accountability

- (2) The CRO shall report directly to the Board.
- (3) The Board acknowledges that the CRO exercises an independent role, pursuant to the Act and that the duties of the CRO require independent decision making. For this purpose, and subject to section (1) above, the Board and the Registrar shall not interfere with the independent exercise of the CRO's role.

### Duties and Responsibilities

- (4) As set out in section 88 of the Act, the CRO shall be responsible for reviewing the Registrar's actions with respect to complaints relating to alleged contraventions of the Act.
- (5) The CRO shall not at any time accept or engage in any of the following duties:
  - a) report or comment on any finding of liability or fact or on any investigation, whether initiated by the RHRA or another enforcement body, any legal proceeding, or reasonably foreseeable legal proceeding involving the RHRA or the Minister;
  - b) report or comment on a report or activity of the RO; or
  - c) accept any statutory, regulatory, administrative or enforcement responsibilities.

Mary Catherine Lindsay  
Chair

Feb 25 / 2011  
Date

Sophia Aggelonitis  
Minister

March 2/11  
Date

## **SCHEDULE "E" – THE REGISTRAR**

### **Appointment**

- (1) The Board shall appoint a Registrar pursuant to section 23 of the Act. The Registrar shall perform the duties assigned to the Registrar under the Act and by the Board.
- (2) The Registrar shall be an employee of the RHRA. Pursuant to section 29 of the Act, the Registrar is not an agent of the Crown and shall not hold himself or herself out as an agent of the Crown.

### **Accountability**

- (3) The Registrar shall report directly to the Board.
- (4) The Board and the Minister shall not interfere with those portions of the Registrar's duties and responsibilities that require independent decision-making.
- (5) The Registrar shall not serve as a member of any board of directors representing the interests of any entity carrying on business, either directly or indirectly, in any sector that is regulated or affected, either directly or indirectly, by this Act.

### **Duties and Responsibilities**

- (6) The Registrar shall have the duties and responsibilities as specified in the Act, including but not limited to the following:
  - (a) the Registrar shall accept applications for a licence to operate a Retirement Home in accordance with section 34 of the Act. The Registrar shall at all times comply with the Act, including sections 35 to 41, in determining whether or not to issue a licence to operate a Retirement Home;
  - (b) pursuant to section 76 of the Act, the Registrar shall appoint inspectors as are necessary for the purposes of this Act, and may appoint persons to be investigators for the purposes of conducting investigations pursuant to section 80 of the Act;
  - (c) the Registrar may develop a process for handling any complaints received about an alleged contravention of a requirement under this Act pursuant to section 82, and shall have such powers pursuant to section 84 in handling such complaints;
  - (d) the Registrar shall ensure that any process to handle complaints shall not conflict with sections 83 to 88 of the Act;
  - (e) the Registrar shall develop and implement a plan for inspection of a Retirement Home in accordance with subsection 75 (5) and section 85 of the Act;
  - (f) the Registrar shall ensure that licensed Retirement Homes are

inspected, pursuant to subsection 77 (3) of the Act;

(g) the Registrar may serve orders pursuant to sections 89 to 97 of the Act;

(h) the Registrar shall maintain a register in accordance with section 106 of the Act.

Mary Catherine Lindsey  
Chair

Feb. 25/2011  
Date

Sophia Agalovitch  
Minister

March 2/11  
Date

# Schedule F

## French Language Services Delivery Policy

---

The Retirement Homes Regulatory Authority (the “RHRA”) recognizes the importance of facilitating access to French-language services for members of Francophone communities across the Province of Ontario.

The RHRA French Language Services Delivery Policy (the “Policy”) was developed to facilitate the interpretation of and compliance with provisions in the *Retirement Homes Act, 2010* (the “Act”) and the *French Language Services Act, 1986* (the “FLSA”). The Policy was also developed to help plan for the provision of quality services to meet the needs of the Francophone communities that the RHRA serves.

### I. Purpose

The Policy is intended to enhance the quality of the RHRA’s services to Ontario’s French speaking population.

### II. Legislative Framework

#### 1. *The French Language Services Act*

In its preamble, the FLSA recognizes that the French language is an official language in Canada. Accordingly, the FLSA guarantees members of the public the right to receive services in French from head or central offices of Ontario government agencies and ministries, as well as offices located in or serving areas designated under the FLSA.

The FLSA applies to all ministry agencies, boards and commissions that have a majority of their members appointed by the Lieutenant-Governor-in-Council (“LGC”). Since, at the time of adoption of this Policy, the RHRA’s interim directors have all been appointed by the LGC, the RHRA qualifies as a “government agency” for the purposes of the FLSA, and is currently subject to the FLSA.

Under the FLSA, the RHRA is obligated to communicate and provide its services in French, subject to such limits as the circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with the FLSA have been taken or made.

The Provisions of the FLSA will apply to the RHRA until the first election of directors under the Act (at the expiry of the interim Board).

#### 2. *The Retirement Homes Act, 2010*

After the first election of its directors, the RHRA must comply with the French language service provisions in its own governing legislation.

In particular, the Act specifies that everyone has the right to use French in all prescribed dealings (meaning those dealings that are set out in regulation) with the RHRA and further requires that all communications, information and notices with respect to dealings with licensees, residents or members of the public be made available in French.

### III. Service Goals

The following service goals take into consideration the RHRA's interim obligations under the FLSA and subsequent delivery requirements under the Act.

#### *Services in French*

Until the first election of directors under the Act, a person may request to communicate in French with, and to receive available services in French from the RHRA. The RHRA will use best efforts to accommodate all such requests, subject only to such limits as the circumstances make reasonable and necessary.

#### *Using French in Dealings with the RHRA*

After the first election of directors under the Act, the RHRA will make the following available in French:

1. All written communications, information and notices that the RHRA makes available to the public, including its website.
2. Anything that the RHRA is required to make available to the public under the Act, including:
  - a. by-laws;
  - b. forms that the RHRA develops;
  - c. code of ethics;
  - d. annual reports;
  - e. public register; and
  - f. statistical information about retirement homes.

The RHRA will endeavor to make the above services and communications available in French as soon as it is reasonably practical to do so.

#### *Communicating in French*

If a person requests that the RHRA makes a communication, information or notice available in French, the RHRA will use best efforts to promptly fulfill the request.

#### IV. Complaints

If you have any questions about the Policy or you do not think that the RHRA is abiding by the terms of the Policy, please contact us by email at [info@rhra.ca](mailto:info@rhra.ca).

The RHRA will explain complaint procedures to its staff and to individuals who make inquiries or complaints. The RHRA will take measures to investigate all complaints and will take appropriate action, including amending this Policy, as necessary.

The French Language Services Commissioner has a mandate to conduct independent investigations under the FLSA, either in response to complaints or on his own initiative, to prepare reports on his investigations, and to monitor the progress made by government agencies in the delivery of French-language services in Ontario.

If you think that the RHRA has not adequately addressed your concern, please contact the French Language Services Commissioner, François Boileau, at 1-866-246.5262 or by email at [flsc-csf@ontario.ca](mailto:flsc-csf@ontario.ca), or visit the French Language Services Commissioner website ([www.flsc.gov.on.ca](http://www.flsc.gov.on.ca)).

#### V. Application

This Policy will apply to the RHRA until the first election of its directors under the Act.

  
Chair

May 10, 2012

Date

  
Minister

May 16, 2012

Date

**SCHEDULE “G” – Board Competency Criteria (Board Experience & Attributes Description)**

| <b>RHRA Board – Key Experience Areas</b> |                                              |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Position</b>                          | <b>Competency</b>                            | <b>Definition</b>                                                                                                                                                                                                                                              | <b>Elements - How the skill / attribute is demonstrated for effective performance in the position.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Governance</b>                        | <b>Board Experience</b>                      | Experience in the overseeing and directing of a corporation by supervising and contributing to the functions of executive management.                                                                                                                          | <ul style="list-style-type: none"> <li>• Leverages knowledge and experience to build a modern, sustainable authority.</li> <li>• Understands and participates in the government context in which the authority functions to oversee policy, budget and resource allocations.</li> <li>• Uses knowledge to ensure compliance with requirements set out in all pertinent legislation and governing documents.</li> <li>• Experience with concepts and practices related to Board governance (particularly in the public sector).</li> </ul>                                                                                                                                                                                                       |
|                                          | <b>Financial Acumen</b>                      | Experience or knowledge regarding audit, finances, accounting, risk management and compliance requirements.                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Understands financial statements and financial performance being able to identify operational and/or financial implications and key factors driving results.</li> <li>• Demonstrates an understanding of internal controls required within an organization.</li> <li>• Familiarity with financial information preparation and the experience with the external audit process, including acting as part of an Audit Committee.</li> </ul>                                                                                                                                                                                                                                                               |
|                                          | <b>System Thinking &amp; Risk Assessment</b> | Experience in the process of assessing risk and acting in such a manner, or prescribing policies and procedures, so as to avoid or minimize loss associated with such risk.                                                                                    | <ul style="list-style-type: none"> <li>• Experienced in operating in complex environments with demonstrated understanding of key issues and levels of change.</li> <li>• Demonstrated experience with risk management programs and processes.</li> <li>• Able to identify appropriate controls and processes for managing risk, tabling items of concern for consideration by the Board.</li> <li>• Balances risk mitigation appropriately with effective decision making and direction setting.</li> </ul>                                                                                                                                                                                                                                     |
|                                          | <b>Strategic Direction and Planning</b>      | Experience in the development of and execution of business plans and strategy. This includes understanding stakeholder needs and how it relates to organizational priorities and investments, and through appropriate metrics, tracking management’s progress. | <ul style="list-style-type: none"> <li>• Extensive experience in the review of strategic business plans.</li> <li>• Expertise in one or more of the functional areas of organizational management (e.g. legal; HR/compensation; IT).</li> <li>• Ability to synthesize organizational options into a coherent strategy that aligns with the mission of the organization.</li> <li>• Understanding of various stakeholder perspectives and ability to identify how to incorporate and shape organizational priorities to include those perspectives.</li> </ul>                                                                                                                                                                                   |
| <b>Regulatory</b>                        | <b>Regulatory Governance</b>                 | Experience in the overseeing and directing of a regulator including rulemaking, communication of rules, monitoring, enforcement, adjudication, sanctions, and evaluation.                                                                                      | <ul style="list-style-type: none"> <li>• Experience in directing the affairs of an organization in keeping with its mandate, governing statutes and in accordance with its business plan.</li> <li>• Directed the development of annual reports that account for performance that is transparent and useful to relevant stakeholders.</li> <li>• Understands when to inform the Minister / Ministry of issues and initiatives impacting the authority's mandate and its stakeholder community.</li> <li>• Supports the development of authority management by providing oversight and advice, and discussing and encouraging professional development.</li> <li>• Has knowledge of, and a commitment to, sound regulatory practices.</li> </ul> |

**SCHEDULE “G” – Board Competency Criteria (Board Experience & Attributes Description)**

| <b>RHRA Board – Key Experience Areas</b> |                                                  |                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Position</b>                          | <b>Competency</b>                                | <b>Definition</b>                                                                                                                                                                               | <b>Elements - How the skill / attribute is demonstrated for effective performance in the position.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                          | <b>Stakeholder Relations</b>                     | Experience in enhancing relationships and aligning persons or organizations with strategic objectives. Able to incorporate stakeholders' views into priorities for the organization as a whole. | <ul style="list-style-type: none"> <li>• Able to represent the views of end consumers in focus while setting organizational direction.</li> <li>• Demonstrated ability to be informed and involved with community groups or associations, actively contributing to their functioning.</li> <li>• Experience participating in multiple organizations tied together with a common theme or point of interest while concurrently representing a varied set of objectives.</li> <li>• Acted in difficult situations with tact and diplomacy where groups with competing interest converge.</li> </ul>                                                                                                                                                                                                                 |
|                                          | <b>Healthcare &amp; Social Systems Knowledge</b> | Demonstrated knowledge of relevant health and social issues with the ability to think broadly, strategically and systematically to plan and solve core issues over the long term.               | <ul style="list-style-type: none"> <li>• Can identify and describe a relevant health and social components and functions that impact seniors housing and care</li> <li>• Uses broad knowledge of these sectors to strategize on how to leverage other relevant institutions, agencies, initiatives to support the goals of RHRA</li> <li>• Understands the complex interrelationships among various health and social initiatives, associations, and regulatory bodies and can identify overlaps; gaps; and opportunities (e.g. partnerships; alternate delivery methods) to the Board for maximizing the impact of the RHRA.</li> <li>• Knowledgeable of policies and practices of various institutions/initiatives in social or health sectors that can be brought to Board discussion and strategy.</li> </ul> |
|                                          | <b>Retirement Homes Industry Knowledge</b>       | General knowledge of the retirement home industry.                                                                                                                                              | <ul style="list-style-type: none"> <li>• Knowledge of unique issues facing retirement home operators and sector, with a demonstrated history of seeking out new information.</li> <li>• Experience in operation or overseeing the operation of a retirement home.</li> <li>• Familiar with evolving trends in the retirement home community/sector.</li> <li>• Sound understanding of the breadth of retirement home sector including for profit and non-profit organizations.</li> </ul>                                                                                                                                                                                                                                                                                                                         |
| <b>Minimum Standards</b>                 | <b>Independence</b>                              | The capacity to think and act in the best interests of RHRA, and in the public interest.                                                                                                        | <ul style="list-style-type: none"> <li>• Able to maintain judgment or fulfill the fiduciary duty ensuring that the authority remains financially self-sustaining.</li> <li>• Capable of bringing forward different points of view to Board discussions ensuring rigor in debate and decision-making.</li> <li>• Maintaining independence of character and thought regardless of the member's specific background and experience.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                       |
|                                          | <b>Competence</b>                                | Having sufficient skills, experience, and character to provide leadership and governance to the organization.                                                                                   | <ul style="list-style-type: none"> <li>• Accumulated robust and diverse experience during one's career that is relevant to developing the desired attributes for Board members.</li> <li>• Knowledge and experience facilitates effective probing, questioning, and assessment of information presented by management.</li> <li>• Able to positively contribute to Board through keen observation and insight, confidently challenging of the Board members, and contributing to mutual professional development.</li> </ul>                                                                                                                                                                                                                                                                                      |

**SCHEDULE “G” – Board Competency Criteria (Board Experience & Attributes Description)**

| <b>RHRA Board – Key Experience Areas</b> |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Position</b>                          | <b>Competency</b>                                       | <b>Definition</b>                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Elements - How the skill / attribute is demonstrated for effective performance in the position.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>All<br/>Directors</b>                 | <b>Communication Skills</b>                             | Ability to gather facts and pertinent information to gain understanding before drawing conclusions or taking action. It involves active listening to enhance understanding and accurately assess situations to help resolve issues, problems, conflicts and disputes. It also includes the ability to clearly articulate one’s own views in a constructive and meaningful manner in both written and oral communication. | <ul style="list-style-type: none"> <li>• Understands that the complexities of issues are uncovered in a variety of ways including through actions, unstated interests and pressures and emotions as well as stated positions or evidence.</li> <li>• Practices active listening to comprehend interests as well as positions.</li> <li>• Employs effective questioning to elicit further information or gain greater understanding or clarity.</li> <li>• Assimilates multiple sources of information to make informed decisions that effectively uncover and address the issues.</li> <li>• Understands the impact of one’s own actions and emotions, demonstrating self-control and focus in situations of tension.</li> </ul>                                                                                                                                                                                                                                                                                                   |
|                                          | <b>Informed / Business &amp; Professional Judgment</b>  | Professional judgment is the exercise of critical thinking, analysis and assessment of implications, identification of patterns, making connections of underlying issues, and the ownership of the outcome. Effectively exercised, it leads to fair, efficient processes and brings clarity and resolution to complex and ambiguous situations or issues.                                                                | <ul style="list-style-type: none"> <li>• Uses professional experience to make assessments of facts, data, credibility and situations.</li> <li>• Applies professional knowledge to analyze issues, clarify positions and determine workable options or reach reasoned decisions.</li> <li>• Facilitates open dialogue such that underlying issues and interests are revealed.</li> <li>• Employs optimal timing and circumstances for either refraining from or making a decision.</li> <li>• Decisions are made to ensure the proper and expeditious conduct, control and oversight of authority activities.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                          | <b>Integrity / Ethics / Values &amp; Accountability</b> | Integrity / ethics / values is the willingness to hold oneself and others accountable for acting in ways, both privately and publicly, that are consistent with stated values, principles and professional standards.                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Sets the ethical tone and values of the authority in internal and external interactions, and encourages others to act ethically and in keeping with authority values.</li> <li>• Actions are guided in the best interests of the authority and the public.</li> <li>• Takes action based on values even when cost or risk is at stake.</li> <li>• Has developed personal and professional credibility to the degree that the authority’s values and standards are evident.</li> <li>• Facilitates and encourages openness and honesty even when it is difficult for others to do so.</li> <li>• Emphasizes the importance and impact of integrity and ethics to the roles and responsibilities of the authority.</li> <li>• Supports, respects and promotes the principles of diversity and regional representation.</li> <li>• Stands by and accounts for authority decisions that are consistent with relevant law and evidence even if they are unpopular or controversial.</li> </ul> |

**SCHEDULE “G” – Board Competency Criteria (Board Experience & Attributes Description)**

| <b>RHRA Board – Key Experience Areas</b> |                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Position</b>                          | <b>Competency</b>                          | <b>Definition</b>                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Elements - How the skill / attribute is demonstrated for effective performance in the position.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                          | <b>Decision Making</b>                     | Involves independent analysis and evaluation of data and evidence as well as reasoned thinking and application of relevant law.                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• Weighs all submissions thoroughly.</li> <li>• Issues clear decisions that reflect a thorough analysis of the issues, and balances perspectives and details reasons.</li> <li>• Decides independently, but knows when it is appropriate to consult the opinions and advice of others.</li> <li>• Clearly articulates views and defends positions on complicated and controversial issues.</li> <li>• Issues decisions in a timely manner.</li> <li>• Makes reasoned decisions based on the evidence and interpreting and applying the relevant legislation.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                          | <b>Partnership / Relationship Building</b> | Partnership / relationship building is working cooperatively with all stakeholders to solve common issues, meet mutual goals and build synergies. It includes leveraging existing relationships building an effective network of existing contacts or new partnerships. It also involves an awareness that a mutual interests-based relationship that operates on trust forms the foundation for success in delivering results. | <p><b>Generally</b></p> <ul style="list-style-type: none"> <li>• Understands when and how to involve the right group of stakeholders, government officials, interested parties and partners.</li> </ul> <p><b>Internally</b></p> <ul style="list-style-type: none"> <li>○ Builds a collegial environment among members where learning and sharing are the norm.</li> <li>○ Promotes understanding and tolerance of other points of view by encouraging discussion of different perspectives.</li> <li>○ Creates positive and open relationships with the CEO and staff to ensure that authority staff is involved in plans and functions as a cohesive, professional group.</li> </ul> <p><b>Externally</b></p> <ul style="list-style-type: none"> <li>○ Is proactively involved with partners (may include other agencies, other ministries / divisions, stakeholders, professional groups, peers, etc.) to enhance and build informal and formal relationships to share experience, create synergies or discuss common issues and solutions.</li> <li>○ Engages in the activities of professional associations, sector associations, and federal and provincial counterparts.</li> <li>○ Proactively liaises with stakeholders to identify opportunities to build or mend relationships or seek resolution to common issues.</li> <li>○ Creates an environment of trust, where stakeholders understand that they can bring sensitive issues to the Board and matters will be handled with competence, tact and discretion.</li> </ul> |
| <b>Chair &amp; Vice Chair</b>            | <b>Leadership</b>                          | Leadership involves approaching initiatives from a strategic perspective, championing new initiatives and working towards their achievement to deliver quality services to the public. It is expressed by inspiring, motivating and leading others, guiding the organization by linking long-range vision and concepts to daily work, and articulating a                                                                        | <ul style="list-style-type: none"> <li>• Articulates the vision and oversees the implementation of plans, monitors key programs for quality.</li> <li>• Inspires confidence in staff, stakeholders, the authority community and government, and ensures they are aware of the strategic framework (vision, mission and goals) of the authority.</li> <li>• The strategic direction considers policy, human and financial resource implications.</li> <li>• Demonstrates active leadership by ensuring quality control of key authority programs and practices.</li> <li>• The authority is seen to be a centre of expertise in its field. Decisions are clear and effectively resolve issues.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

**SCHEDULE "G" – Board Competency Criteria (Board Experience & Attributes Description)**

| RHRA Board – Key Experience Areas |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Position                          | Competency                         | Definition                                                                                                                                                                                                                                                                                                                                                                                                       | Elements - <i>How the skill / attribute is demonstrated for effective performance in the position.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                   |                                    | simple understanding to a sophisticated awareness of the impact of internal and external factors on strategies and choices.                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                   | <b>Impact / Influence</b>          | Impact / influence is the ability to persuade or convince others to adopt a specific course of action impacting plans, processes, practices and people. It involves leading by positive example, setting high standards and charting a clear and steady course. It also involves the use of effective facilitation skills to achieve desired results in sometimes high-impact, high-risk and complex situations. | <ul style="list-style-type: none"> <li>• Uses strategies to anticipate, identify and respond effectively to different points of view to build support and agreement.</li> <li>• Builds informal and formal support for ideas. Selects information to have specific effects and uses expert facilitation and knowledge of group process and individual preferences to lead discussions.</li> </ul> <p><b>Internally</b></p> <ul style="list-style-type: none"> <li>○ Sets and monitors realistic but challenging performance measures.</li> <li>○ Protects independence in authority decision-making by setting processes to handle complaints and communicating standards of interaction and a code of ethical conduct for Board members.</li> </ul> <p><b>Externally</b></p> <ul style="list-style-type: none"> <li>○ Has a profile within the authority community and acts as a key spokesperson and liaison for the authority to create understanding and impart information that may be contentious or to create buy-in.</li> <li>○ Imparts stakeholder issues, conveys stakeholder perspectives and identifies possible solutions or opportunities that meet the needs of both the authority community and government.</li> <li>○ Makes convincing recommendations to the Minister for the authority regarding impact of proposed policies.</li> </ul> |
|                                   | <b>High Performance Management</b> | Managing for results is the ability to plan for and achieve measurable results and reach successful outcomes at an individual, authority and community level. It involves a steady focus on desired outcomes, setting challenging goals, making difficult decisions, and anticipating and addressing potential obstacles or conflicts to achieve excellent results.                                              | <ul style="list-style-type: none"> <li>• Ensures that the authority meets its statutory obligations and carries out its mandate effectively and efficiently.</li> <li>• Provides oversight of regulatory practices to ensure the quality of decisions.</li> <li>• Oversees the establishment and monitoring of systems and procedures that plan and measure results.</li> <li>• Sets performance targets that are both realistic and challenging to meet the authority's vision and objectives.</li> <li>• Maintains steady control and focus on the image and reputation of the authority for timeliness, clarity and quality.</li> <li>• Achieves results among varying and often conflicting obligations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## **SCHEDULE "H" -- Code of Ethics**

### **Introduction**

The Retirement Homes Regulatory Authority (the "RHRA") regulates retirement homes in Ontario. We believe that high standards of ethical conduct are essential to our role as a regulator. Our integrity and commitment to these standards are crucial to building and maintaining a strong relationship with the seniors we protect and the people who support them, the retirement home sector, the government, other regulators and the public. This Code of Conduct (the "Code") describes the principles and values that guide our behavior, and the rules and practices we have put in place to make sure we continue to meet them.

### **Complying with the Code**

*To whom does the Code apply?*

The Code applies to the following people:

1. All full or part-time employees of the RHRA, including contract, temporary and seconded staff members;
2. Members of the RHRA Board of Directors;
3. RHRA statutory officers; and
4. People who the RHRA retains and appoints.

Everyone to whom this Code applies must comply with it and is responsible for being familiar with its contents.

### *Compliance*

Complying with the Code is a condition of employment, or an appointment or retainer. When joining or beginning work with the RHRA, a person must affirm that he or she has read the Code and agrees to comply with it.

The RHRA takes regular action to encourage and ensure compliance with the Code. The RHRA educates its staff, board members and others about the Code, including providing orientation and regular training. The RHRA also includes a requirement to comply with the Code in its employment (and other) contracts where appropriate.

Breaching the Code is serious and may result in discipline, including suspension or termination of employment or appointment. The RHRA encourages those who breach the Code to report it, with a view to resolving the breach.

### *Where to go for help*

Making the right decision in an ethical context is not always easy. In some cases, these decisions will have serious consequences for the person making them and for the RHRA. Employees and others at the RHRA should ask questions and seek guidance about the Code if they are facing a difficult situation or decision.

Employees and those on retainer with the RHRA can seek help from their supervisor or a member of senior management. Officers and board members can seek help from the Chair, Registrar & CEO or General Counsel.

### **Compliance with Applicable Law and RHRA Bylaws and Policies**

Everyone at the RHRA must perform their duties in accordance with applicable law and comply with RHRA bylaws. They must also comply with all RHRA policies that apply to them. The following policies or sets of policies have particular relevance to the Code:

1. The RHRA's Privacy Code, and policies for protecting confidential information, responding to privacy breaches, and acceptable use of the internet and email;
2. Policy and procedures to provide access to persons with a disability;
3. Human resources policy, including policies for a respectful workplace, and policies relating to health and safety;
4. RHRA policies relating to expenses, procurement and signing authority;
5. Governance and Board of Directors policy, including policies relating to education, and to roles and responsibilities; and,
6. RHRA policies relating to the proper management and retention of records.

### **RHRA Values**

The RHRA has a mission and mandate, vision and values. The RHRA's values guide everything that it does. Everyone at the RHRA must adhere to the letter and spirit of these values in their day-to-day work. For the purposes of this Code, a summary of the RHRA values is as follows:

1. Excellence: we set and attain high standards and act with integrity;
2. Fairness: we treat people's perspectives fairly and equitably, and favour the interest of consumer protection;
3. Accountability: we take responsibility for our actions and are transparent in our activities;
4. Collaboration: we work together with our colleagues and partners to protect residents of retirement homes; and,
5. Efficiency and effectiveness: we use resources optimally and follow a risk-based approach to make informed decisions and achieve our goals.

### **Preserving Confidentiality**

The RHRA collects, stores and uses sensitive information. This information could relate to the health care of an individual. It could also be the proprietary information of a licensee. The disclosure of this information could harm the RHRA, a resident, a licensee or the government. Consumers, licensees and others expect us to safeguard the confidentiality of certain information.

Confidential information is any information that a person obtains through working at the RHRA and that is not available to the public. RHRA employees and others at the RHRA must not disclose confidential information outside the RHRA unless they have approval or they must do so by law. No one at the RHRA may use confidential information to benefit themselves or anyone else, or for a purpose that does not relate to their work at the RHRA.

The RHRA has a Privacy Code and other policies that protect and regulate the use of confidential information. Everyone at the RHRA must comply with these policies.

### **Communicating Outside of the RHRA**

The RHRA's Board of Directors designates who may act as a spokesperson for the RHRA. RHRA employees must not speak to the media unless they have the approval of the board or the Registrar & CEO. Employees who receive an inquiry from the media should refer the inquiry to the appropriate staff director or designate, or directly to the Registrar & CEO.

RHRA employees must have approval of their supervisor or authorization from the Registrar & CEO to teach, present or speak at a public forum, or write about the RHRA.

Board members must comply with the policies and rules in place with respect to public and media statements that concern the RHRA.

### **Avoiding Conflicts of Interest**

#### *Definition and examples*

A conflict of interest exists where a reasonable person would conclude that a personal or financial interest might affect a person's judgment or the performance of his or her duties. A conflict of interest may be real or perceived, actual or potential, direct or indirect.

Here are some examples of a conflict:

1. An employee or board member's family member or friend may benefit from a matter that the employee or board member may influence through his or her work at the RHRA;
2. An employee or board member's political activities conflict with his or her duties at the RHRA; or,
3. An employee or board member conceals information that is relevant to a vital aspect of the affairs of the RHRA.

#### *Declining Gifts*

The RHRA values its reputation for integrity and independence. At the same time, the RHRA wants to maintain strong working relationships, including appropriate courtesy and hospitality. RHRA employees, officers and board members should be careful about accepting gifts from a person that the RHRA regulates or does business with. Generally, a RHRA employee, officer or board member should not seek or accept a gift or benefit if a reasonable person would conclude that it would influence or appear to influence his or her duties. Never accept a gift that would embarrass the RHRA if the circumstances of the gift became public.

If an employee, officer or board member must accept a gift out of reasonable courtesy in the course of performing their duties, the gift should not exceed a value of approximately \$30, nor should it create a conflict of interest or an obligation for the RHRA.

RHRA employees, officers and board members must not accept cash gifts from a member of the retirement home sector or from a person with a business relationship with the RHRA. Cash gifts include gift certificates and gift cards.

### *Resolving conflicts of interest*

RHRA employees must avoid conflicts of interest. All employees are responsible for reporting potential conflicts to their supervisor or to the staff director in charge of human resources. The RHRA will determine whether there is a conflict of interest. If there is a conflict, it is the employee's responsibility to resolve the conflict. The RHRA can assist the employee in developing appropriate measures to resolve the conflict.

RHRA officers and board members must disclose conflicts in accordance with applicable law and RHRA policies and by-laws that relate to conflict of interest. Officers and board members may seek the assistance of the Chair in determining whether a conflict exists. RHRA officers may also have a duty in their appointment agreements to disclose and resolve conflicts.

The RHRA will consider the timely and full disclosure of a potential conflict, including the acceptance of a gift, as intent in good faith to comply with this Code.

### **Political Activity**

Everyone at the RHRA may engage in political activity on his or her own time and at his or her own expense. No one at the RHRA may do the following:

1. Engage in political activity in the workplace;
2. Use RHRA resources for political activity; and
3. Link political activity to the RHRA or to a role or position with the RHRA.

The RHRA may require a leave of absence if a person wants to run for elected office. The RHRA may also require a leave if a person wants to undertake political activity that may affect his or her duties, RHRA activities, or RHRA's relationship with the government or legislature.

### **Property and Records**

Everyone at the RHRA must take all reasonable steps to protect RHRA assets and property from loss, theft, damage and misuse. Everyone must use RHRA resources solely for lawful purposes.

Everyone at the RHRA must maintain accurate and reliable records. Employees who are responsible for public or board documents or records must make sure they are clear, complete, accurate, and timely.

## Reporting Wrongdoing or a Breach of the Code

Everyone at the RHRA must report wrongdoing at or by the RHRA. Wrongdoing means the following:

1. Breaching a law or regulation;
2. An act or failure to act that creates a grave danger to people or to the environment;
3. Flagrant or serious misuse of money, assets or authority;
4. Breach of this Code; and
5. Directing or trying to influence a person to commit wrongdoing.

Employees and those on retainer with the RHRA should report to their supervisor or to a member of senior management. If you are unsure whether to make a report, seek advice from your supervisor or other appropriate person. Officers and board members should report to the Chair, Registrar & CEO or General Counsel.

The RHRA encourages employees and others to speak to the Chair or a member of senior management directly if there is concern that the RHRA is not addressing wrongdoing in a timely manner.

Everyone at the RHRA must use good faith in making a report. It is a breach of the Code to make a false report or a report in bad faith. No one should conduct his or her own investigation or act on his or her own to respond to wrongdoing.

The RHRA will not threaten or retaliate against anyone for making a report, seeking help or providing information during an investigation into wrongdoing. The RHRA will protect its employees against reprisal. Threats or reprisal in the context of a report is a breach of this Code. The RHRA will strive to protect privacy in handling a report. However, it might have to disclose information about the report to investigate it and to take action to resolve it.

Mary Catherine Lindberg



\_\_\_\_\_  
**Chair**

June 1, 2015

\_\_\_\_\_  
**Date**

The Honourable Mario Sergio



\_\_\_\_\_  
**Minister Responsible for Seniors Affairs**

June 9/15  
\_\_\_\_\_  
**Date**

# Schedule J

## RETIREMENT HOMES REGULATORY AUTHORITY — INTERIM FEE SETTING POLICY

The Retirement Homes Regulatory Authority (the RHRA) was established as a not for profit corporation without share capital pursuant to the *Retirement Homes Act, 2010* and the regulations (the Act) to administer the Act to ensure that retirement homes are operated in accordance with the Act. The fundamental principle of the Act states that retirement homes are to be operated as places where residents live with dignity, respect, privacy and autonomy, in security, safety and comfort and can make informed choices about their care options.

The RHRA is responsible for ensuring that operators and staff of retirement homes are educated about and establishing compliance with the Act, licensing retirement homes, performing inspections to assess applicants and measure compliance by retirement homes with the Act, and publishing a register of retirement homes.

The RHRA is independent of government and will be self-funding. It is required to finance its operations and regulatory activities and obligations on an ongoing basis through assessment of fees determined in accordance with this Policy. Revenue from fees collected by the RHRA is required to support its operations and does not form part of government revenues. The RHRA shall ensure that, collectively, fees are set so as to meet the anticipated financial requirements of the RHRA to administer and meet its obligations under the Act while adhering to a commitment to cost control.

### Purpose

The purpose of this Policy is to outline the processes and criteria the RHRA will employ to determine its fees and charges. The amounts related to the fees and other amounts charged by the RHRA are provided in the Fee Schedule attached to this Policy.

### Legislative Framework

Under the Act, the RHRA may set and charge a fee for anything that it or the Registrar of the RHRA does in the course of administering the Act. The Act requires both applicants for a licence and licensees to pay these fees. The Act also permits the Registrar to request that an applicant pay the reasonable costs of licensing inquiries and inspections.

### Policy

The RHRA will apply the process and criteria set out in this Policy to set fees in connection with the administration of the Act and actions of the Registrar under the Act.

The fee setting process and criteria reflect the following principles:

- The fee setting process and criteria and the fee schedule will be simple and clear, and accessible to operators and residents of retirement homes;
- Stakeholders have an interest in and will inform fee setting during consultations;

- In setting fees, the RHRA may consider incentives to encourage compliance with the Act and disincentives to discourage non-compliance;
- The RHRA may set different types of fees (e.g. fixed, variable, direct cost recovery) and combine different types of fees;
- There will be a reasonable relationship between fees on the one hand, and the RHRA's regulatory activities and associated costs on the other; and
- Fees may be set to provide for a moderate surplus of revenues over expenses to allow for contingencies and unplanned events to a level generally established by similar not-for-profit regulatory entities.

## **Fee Criteria**

The RHRA will consider the following criteria in setting fees:

- The projected costs of the RHRA to administer the regulatory scheme over the relevant period using best available information;
- The most effective and efficient regulatory practices to be employed;
- Best practices;
- The projected costs of the specific regulatory activities or administrative services or activities; and
- Equitable application of fees in a diverse sector.

The basis for establishing the criteria in setting fees includes the requirement for the RHRA to meet its financial commitments.

## **Process**

### **Initial Policy**

This inaugural Policy and Fee Schedule are based on consultation with government officials, the retirement home industry and other regulators and licensing bodies around factors impacting fee projections, including, but not limited to:

- The number, size, location and diversity of retirement homes in Ontario meeting the legislated definition;
- The number of residential units across the province;
- Risk factors related to resident rights and resident protection;
- Regulatory impact of government phasing of care standards and other regulations through 2014; and
- Resulting regulatory and operational responsibilities of the RHRA.

This Policy will be reviewed by the permanent Board of Directors no later than December 31, 2012. The review will assess data from licensing applications and other regulatory activities. The RHRA may consider Policy and Fee Schedule revisions as data are confirmed, and pertinent information related to the sector and the impact on industry and the RHRA are considered.

## Fee Review Process

The RHRA will review fees annually or more frequently as determined by the Board, considering the criteria above and identifying changes in data and other pertinent information. The RHRA will provide the Minister with written notice of any new fees or fee changes 15 days prior to consulting stakeholders. The notice will include a proposed rationale for the changes, based upon changes in data and other pertinent information that is aligned with this policy.

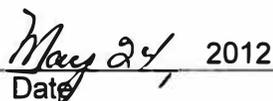
## Consultation

The fee review process will be open and transparent and include consultation with, and give due consideration to advice from, the RHRA Stakeholder Advisory Council (SAC), industry associations, expert working groups, and other RHRA stakeholders, as appropriate. Once the consultation has been completed, the Board of Directors will review and may approve any fee change. The Minister will be informed of the Board's decision five days prior to notification to industry stakeholders. The RHRA will provide the Minister with a summary of the position of stakeholders and the rationale for the fee change unless it relates to a general increase in the Consumer Price Index.

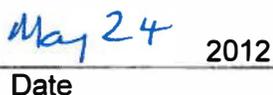
## Notification

No new or revised fee will normally be effective until 90 days of notice has been given to industry stakeholders. The RHRA will endeavor to complete and post the result of its fee review process by September 30th each year for fees that would apply for the following calendar year. In exceptional circumstances, less than 90 days notice may be implemented with board approval and notification to the Minister and industry.

  
Chair

  
Date

  
Minister

  
Date

The RHRA determined the fees set out in this Fee Schedule in accordance with its Fee Setting Policy. The table below provides an overview of all RHRA fees. A full explanation of these fees can be found in “Fee Details”. Fees set out are exclusive of applicable taxes except for those marked with (\*), which are HST exempt.

| FEE                              | DESCRIPTION                                                                                | RATE                                |
|----------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------|
| <b>Annual Fee</b>                |                                                                                            |                                     |
| Annual Fee                       | To cover the cost of administering the <i>Retirement Homes Act, 2010 (Act)</i>             | \$9.99 per suite, per month         |
| Administration (Finance) Charge* | Charged when annual fees are paid in quarterly installments                                | 5% of annual fees                   |
| Late Annual Fee*                 | Automatic late fee charged to licensees whose annual fees are not received by the due date | 20% of annual fees, maximum \$2,500 |

| <b>APPLICATION AND OTHER FEES</b>           |                                                                                                                                                                             |                                                         |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <b>Application Fees</b>                     |                                                                                                                                                                             |                                                         |
| Licence Application Fees*                   | To process new applications, including those resulting from acquisitions                                                                                                    | \$5,000 + \$25 per suite, maximum \$10,000              |
| Expedited Licence Application Fees*         | To expedite the review of a licence application                                                                                                                             | \$6,000 if required within six weeks                    |
|                                             |                                                                                                                                                                             | \$12,000 if required within two weeks                   |
| Change of Person with Controlling Interest* | To process applications following a change in controlling interest                                                                                                          | \$2,500                                                 |
| Assessment Fees                             | Relating to the cost of inquiries, investigations, and inspections completed during the assessment of a licence application                                                 | Fees based on activities as determined by the Registrar |
| <b>Compliance Fees</b>                      |                                                                                                                                                                             |                                                         |
| Compliance and Enforcement                  | Relating to the cost of repetitive compliance and enforcement activities under the Act                                                                                      | Fees based on activities as determined by the Registrar |
| <b>Other Charges</b>                        |                                                                                                                                                                             |                                                         |
| Failure to Notify of Changes                | Relating to costs of maintaining the Public Register and other administrative costs where a licensee fails to notify the Registrar of certain events as required by the Act | \$250 per instance                                      |
| Replacement of Licence                      | Reprint of a licence                                                                                                                                                        | \$75                                                    |
| Poster Request                              | Replacement copy of an RHRA poster (Residents’ Bill of Rights or Duty to Report posters)                                                                                    | \$15 per request (up to 5 posters)                      |
| NSF fees*                                   | Charge for cheques or Pre-Authorized Debit (PAD), declined due to non-sufficient funds                                                                                      | \$50 per instance                                       |
| Interest*                                   | Payable on overdue amount                                                                                                                                                   | 1.5% per month                                          |

## FEE OVERVIEW

### ANNUAL FEES

#### Annual Fee

All licensees must pay an annual fee to cover the cost of core RHRA operations and functions related to administering the Act.

The fee is based on the number of suites (see definitions - *Suites*). Suites that are subsidized (see definitions – *Subsidized Unit*) are excluded. Suites include all available units, regardless of whether they are occupied or not.

Annual fees are calculated for each calendar year. Licensees have two payment options:

- i. Remit entire fee for the year.
  - Fees are due by January 2.
  - Payments of the entire fee may be made either by Cheque or Pre-Authorized Debit (PAD).
  - Cheques must be received by the RHRA by the end of the day by the due date in order to be considered on time.
  - To enroll in the PAD process, a licensee must submit the PAD form to the RHRA by December 14<sup>th</sup> to allow for processing time to set up the PAD. Please indicate on the PAD form whether it is for the annual fee or for quarterly payments.
- ii. Make quarterly payments.
  - An administration (finance) charge of 5% will be applied for quarterly payments - see *Administration (Finance) Charge* for details.
  - Quarterly payments are due January 2, April 1, July 2, and October 1.
  - Quarterly payments are only accepted by Pre-Authorized Debit (PAD).
  - To enroll in the PAD process, a licensee must submit the PAD form to the RHRA by December 14, 2018 to allow for processing time to set up the PAD.

Where any of the above dates fall on a weekend, the due date will be the first business day following the due date.

Licensees whose payment is not received by the due date will be subject to a *Late Annual Fee* charge – see *Late Annual Fee*.

Approximately sixty (60) days prior to the start of the new calendar year, the annual fee for the next calendar year will be calculated based on the number of suites the RHRA has on record. Note that it is the licensee's obligation to report any changes in the number of suites. An Annual Fee Invoice will be sent to each licensee.

Approximately thirty (30) days prior to the start of the calendar year, a second and final Annual Fee Invoice will be sent to each licensee.

Change in number of suites

- i. If there is a change in the number of suites in a home, the following will apply:
  - If the number of suites for a licensee changes during the calendar year, the RHRA will bill or refund annual fees. Reconciliation of billing will be for the difference in suites, rounded to the next full month following the effective date of the change.
  - A statement (and refund cheque if applicable) will be generated for each licensee where reconciliation is made, and a statement will be sent to the licensee.
- ii. Fluctuation in number of suites ordinarily subject to subsidy
  - Homes that have fluctuation in the number of suites ordinarily subject to subsidy should contact the RHRA regarding annual reconciliation. Licensees will be required to submit supporting documentation when reporting fluctuation in subsidized suites (see definition).

Licences issued during the year

- i. If a licence is issued during the calendar year, the annual fee will be prorated to the nearest full month, calculated as of the next full month following the date of licence issue. The licensee must make a full payment for the balance of the calendar year. Quarterly payments may commence when the first full year of fees is payable.

**Late Annual Fee**

Licensees whose annual fee is received after the due date will be subject to an automatic late fee.

**Administration (Finance) Charge**

A finance charge will be applied when a licensee chooses to pay annual licence fees in quarterly installments.

The fee will be 5% of the licensee's annual fee balance.

The RHRA will calculate the total amount of the annual fee and administration finance charge and quarterly payments, which will show on the Annual Fee Statement/Invoice.

**Discontinued Licenses / Ownership Transactions**

*Ceasing to Operate as a Retirement Home*

This applies to licensees ceasing to operate as a retirement home according to Sec. 49 of the Act and Sec. 7 of the Regulations.

If a licensee ceases to operate as a retirement home in accordance to the Act and Regulations, and the home has no outstanding balance with the RHRA, the licensee will be refunded the portion of the pre-paid annual fee that remains after the licensee ceases to operate the retirement home. Any refund amount will be calculated by rounding to the first of the next full month following the date the licensee ceased to operate.

*Ownership Transactions*

A licensee whose licence terminates as a result of an ownership transaction will be refunded the portion of the pre-paid annual licence fee amount remaining as of the date the licensee ceases to operate the retirement home (the termination date). Any refund amount will be rounded to the first of the next full month following the termination date.

## **APPLICATION FEES**

### **Licence Application Fee**

To obtain a retirement home licence, a licence application must be submitted to the RHRA. A licence application is to be submitted for new operators, or relating to the acquisition of an existing retirement home (see the Licensing tab of the RHRA website: <http://rhra.ca/en/licensing/apply/>).

Fees are based on the number of suites (see definitions - *Suite*) within the home, regardless of whether they are occupied or not. It excludes suites for which the operator receives a subsidy (see definitions – *Subsidized Unit*). The total application fee is the sum of the set fee and the per suite fee.

The licence application fee must be submitted with the completed licence application forms.

Once the licence application and fee have been received by the RHRA, the application fee is non-refundable. Once full payment (including an expedited fee, if applicable) has been received and processed, review of the application will begin.

If the Registrar issues a licence, a licence will be sent to the licensee. The licensee will then be sent an invoice for the Annual fees – see *Annual Fees* for details.

### **Expedited Application Fees**

Expedited application fees are applied in addition to the licence application fee when the RHRA is required to give priority consideration to a licence application.

The dates used to determine whether an expedited fee applies will be the date identified by the applicant as the start date of operations for the retirement home, and the date the application is received by the RHRA.

If an expedited application fee applies, this is to be submitted concurrently with the licence application fee.

If an application that is subject to an expedited fee is submitted without the fee, the applicant will be notified.

### **Change of a Controlling Interest Fee**

Under section 48(1a-b) of the Act, a licence terminates when a person either ceases to have or acquires a controlling interest in the licensee. For a definition of “Controlling Interest”, see S.3 “Interpretation, Controlling Interest” of the Act.

Applications resulting from a change in controlling interest may be subject to a reduced application fee. Licensees should contact RHRA before submitting an application related to a change in controlling interest.

### **Assessment Fees**

Under section 37(2) of the Act, the RHRA may charge an applicant an additional fee relating to the reasonable costs of inquiries, investigations, and inspections in support of the Registrar’s assessment and decision-making related to a licence application.

Fees are at the discretion of the Registrar and will be reflective of the activities undertaken. Where the Registrar indicates these additional costs apply, the RHRA will invoice the applicant.

## **COMPLIANCE FEES**

### **Compliance and Enforcement Measures**

In response to repetitive or continuing non-compliance with the requirements of the Act, the RHRA may set and charge a fee for costs in connection to inspection activities, and activities of the Registrar and RHRA staff members relating to the management and administration of Registrar orders. These activities include conducting inspections, the preparation and assessment of reports and orders, and Registrar decision-making. Fees will be reflective of the activities undertaken.

## **OTHER CHARGES & PROVISIONS**

### **Failure to Provide Information**

The Act requires the Registrar to establish and maintain a public register of retirement home licences and licence applications. Under section 109 of the Act, a licensee must give the Registrar written notice of certain changes or events within a certain time.

The RHRA may charge a licensee a fee in connection to additional administrative costs to the RHRA resulting from the licensee's failure to provide notice to the Registrar in accordance with section 109. These activities may include maintaining and updating the public register on an expedited basis, contacting the licensee, or sending the licensee a request for information in connection to the failure to provide notice.

### **Replacement of Licence**

Licensees requesting a replacement or extra copy of an official licence certificate may be charged a replacement fee.

### **Poster Request**

Licensees requesting additional copies of RHRA posters (Residents' Bill of Rights or Duty to Report posters) may be charged a fee (up to 5 posters per request).

### **NSF Fees**

A fee may be applied whenever a cheque is returned as non-negotiable or a PAD (pre-authorized debit) is declined as NSF. When NSF fees are charged, the RHRA will notify the licensee and request for payment and the NSF charge.

### **Interest**

The RHRA may charge interest at a rate of 1.5% per month on outstanding fee, and the RHRA will consider the accrued interest on any unpaid fee as part of the fee itself.

### **Other**

The obligation of a licensee or applicant to pay a fee continues, despite any failure of the RHRA to provide notice of the fee, or provide notice of the fee by a certain date, or despite a failure of the licensee or applicant to receive notice of the fee.

## DEFINITIONS

### SUITE:

Suites are 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.

### SUBSIDIZED UNIT:

Refers to:

- (a) premises or parts of premises that are governed by or funded under one of the following:
  - *The Developmental Services Act*
  - *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*
  - *The Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*
- (b) Premises at which emergency hostel services are provided under the *Ontario Works Act, 1997*.
- (c) Premises or parts of premises at which a supportive housing program or a residential treatment program is provided and funded under one of the following:
  - *The Home Care and Community Services Act, 1994*
  - *The Local Health System Integration Act, 2006*
  - *The Ministry of Health and Long-Term Care Act*
- (d) Premises or parts of premises funded under the Community Homelessness Prevention Initiative of the Ministry of Municipal Affairs and Housing.

## Schedule L

# RHRA Information Access & Privacy Code

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### I. Purpose

The Retirement Homes Regulatory Authority (the "RHRA") is committed to protecting the privacy and confidentiality of information it receives or creates in the course of conducting its business operations and performing its regulatory functions.

The RHRA fulfills this commitment to privacy and confidentiality by complying with its statutory obligations under the *Retirement Homes Act, 2010* (the "Act"), the regulations made under the Act, and the *Personal Health Information Protection Act, 2004*, and by voluntarily adopting the practices set out in this Information Access & Privacy Code (the "Code").

### II. Legislation

The RHRA is subject to the *Retirement Homes Act, 2010* and some aspects of the *Personal Health Information Protection Act, 2004* and has specific obligations under each statute to maintain the privacy and confidentiality of information.

The RHRA collects, uses, discloses and retains information for purposes related to the RHRA's duties or powers, and in compliance with its confidentiality obligations contained in sections 113 and 114 of the Act. Specifically, section 113 of the Act requires that the RHRA, including all officers, directors, employees and agents, preserve secrecy and keep confidential any information, including personal information and personal health information, obtained in the course of performing a duty or exercising a power under the Act. Section 113 contains a number of exceptions, which allow the RHRA and people acting on behalf of the RHRA to disclose information in specific circumstances, including:

- (a) as may be required in connection with a proceeding under the Act or in connection with the administration of the Act and the regulations;
- (b) to a ministry, department or agency of a government engaged in the administration of the Act;
- (c) to a peace officer to aid an inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (d) in a criminal proceeding, as required by law;

- (e) with the consent of the person to whom the information relates;
- (f) to the counsel of the person to whom the information relates;
- (g) to the extent that the information is available to the public under the Act;
- (h) as permitted or required by law; or
- (i) under further circumstances that are prescribed.

Section 114 further restricts the RHRA from publishing personal information or personal health information in final inspection reports and mandates that only an edited version of the report, which excludes personal information and personal health information, be made publicly available.

### III. Policy

This Code applies to all information that the RHRA receives or creates while performing its regulatory functions and applies to RHRA employees, contractors, subcontractors and any other individual with access to personal information or personal health information.

#### **Purposes for which information is collected, used or disclosed**

The RHRA may collect, use, disclose or retain information in order to perform its regulatory functions and fulfill its statutory objects or where it is permitted or required to do so by law.

Examples of regulatory functions that may result in the collection, use, disclosure or retention of information include, but are not limited to, acquiring evidence of unlawful practices by operators, receiving and reviewing complaints about alleged contraventions of the Act, and collecting and using personal health information to facilitate investigations into abuse or neglect.

Upon request, the RHRA shall provide the purpose for which it collects, uses or discloses personal information as well as the purpose for which it may need to access personal health information. Personal information is collected, wherever possible, directly from individuals but under certain circumstances and consistent with its duties and powers, the RHRA may also collect personal or personal health information from third parties, including government agencies, who have the authority to disclose the information.

#### **IV. Consent**

The RHRA respects and values an individual's right to provide or withhold consent in relation to his or her information. Except where the law authorizes collection and use of personal information or personal health information without consent, and prior to collecting and using such information, the RHRA will obtain the consent of the individual who supplied the information or from someone duly authorized to act on that individual's behalf.

Where the RHRA requires access to personal information or personal health information in the course of fulfilling its statutory obligations, the duty to obtain consent rests with the individual at the point of collection, such that additional consent will not be obtained by the RHRA.

#### **V. Accuracy**

Accurate information is vital to the RHRA's ability to fulfill its regulatory functions.

In recognition of this fact, the RHRA will take reasonable steps to ensure that the information it collects, uses, discloses and retains is accurate. This may include contacting individuals who have provided the RHRA with information in order to verify accuracy.

#### **VI. Access to Information**

In accordance with the RHRA's legal obligations under the Act and the *Personal Health Information Protection Act, 2004*, the RHRA is obliged to keep confidential all information that it acquires while administering the Act. The RHRA is not permitted to communicate this information to any other person unless a specific statutory exception applies.

The RHRA will provide individuals with access to information that is contained in its public register. Examples of the type of information in the register are as follows:

- names and addresses of applicants for licences and retirement homes;
- information about the status of licence applications, including any decision that the Registrar has made with respect to the application; and
- the care services available in a given retirement home.

Individuals can access the public register through the RHRA's website ([www.rhra.ca](http://www.rhra.ca)) or by contacting the RHRA directly and making a request.

Individuals may request access to their personal information or personal health information that is under the custody or control of the RHRA. The RHRA will disclose or grant access to this information unless there is a compelling reason against disclosure. Examples of situations where the RHRA will not disclose this information are as follows:

- a legal privilege restricting disclosure applies;
- another law prohibits the disclosure;
- the information was collected or created for a proceeding under the Act;
- the information was collected or created during an inspection, investigation or similar procedure; or
- access could result in serious harm to a person.

Requests for access should be made in writing to the RHRA. A small administrative charge may apply for photocopying or production of the document(s).

## **VII. Limiting Collection**

The RHRA only collects personal information and/or accesses personal health information as required to fulfill the purposes identified in this Code, and will do so only by fair and lawful means.

## **VIII. Limiting Use, Disclosure and Retention**

The RHRA shall not use or disclose personal information or personal health information in its custody or control (or to which it has access in the course of fulfilling its statutory duties) except as necessary in the course of performing those duties. The RHRA will only use, and disclose the minimum amount of personal information or personal health information necessary to fulfill the purpose for which it was collected.

The RHRA will not disclose personal information or personal health information to a third party without consent, unless it is required or authorized by law and the disclosure is necessary to fulfill the RHRA's statutory duties.

## **IX. Safeguards**

The RHRA recognizes that appropriate safeguards are fundamental to maintaining the privacy and confidentiality of information.

The RHRA will take reasonable steps to protect the information it receives or creates against theft, loss, misuse, unauthorized access, disclosure, modification or destruction. These steps include using appropriate physical, organizational and technological measures to protect the confidentiality of all personal information and/or personal

health information that the RHRA retains or collects. Specifically, the RHRA will adopt security measures, including locked cabinets, restricted access, data networks protected by industry-standard firewalls, encryption and password protection systems in order to protect the personal information and personal health information in its possession.

#### **X. Openness, Accountability and Compliance**

The RHRA is committed to implementing the principles described in this Code, and to ensuring that stakeholders, including retirement home operators, residents and members of the public, are aware of the RHRA's privacy practices. Any additional documents or policies that are developed in relation to this Code will be available on the RHRA's website: [www.rhra.ca](http://www.rhra.ca).

The RHRA has appointed a Chief Privacy Officer to oversee compliance with this Code and any related policies and procedures, as well as to receive privacy complaints.

If you have any questions about this Code or have concerns that the RHRA is not abiding by the terms of this Code, please contact us by email at [info@rhra.ca](mailto:info@rhra.ca).

Chair



May 10, 2012

Date

Minister



May 16, 2012

Date