

# WHAT YOU SHOULD KNOW ABOUT THE DIFFERENCES BETWEEN RETIREMENT HOMES AND LONG-TERM CARE HOMES



## 1. What legislation applies to the home?

**Retirement Homes:** *Residential Tenancies Act, 2006* and *Retirement Homes Act, 2010*.

**LTC Homes:** *Long-Term Care Homes Act, 2007*.

## 2. Do I have to have care needs to get into the home?

**Retirement Homes:** There is no special health eligibility requirement set out in the law because it is a tenancy.

**LTC Homes:** A Community Care Access Centre (CCAC) determines eligibility in accordance with law and government policies. You must meet a minimum threshold of care needs to be eligible.

## 3. What is the cost?

**Retirement Homes:** It varies. The cost is whatever you and the home agree to initially. After the initial rent is set, increases in rent are controlled by the *Residential Tenancies Act*. However, these rent control guidelines do not apply to new rental units occupied after November 1, 1991. A landlord must give you at least 90 days notice in writing of any increase in rent and the rent can only be increased once every 12 months. The cost of rent does not include fees for care services. There is no limit on the amount which can be charged for care services or meals or the amount of any increase in these charges. A tenant must be given at least 90 days notice in writing of any increases in charges for care services or meals. A landlord cannot charge one tenant a higher rate for care services than other tenants and any increase to a rate must be the same for all tenants. Retirement homes do not receive any government funding.

**LTC Homes:** The government pays the cost of providing nursing, personal care, food, and support services while the resident pays for "accommodation" fees. The maximum cost is set by government regulation for each type of accommodation. The rate usually increases annually on July 1 and the licensee must give 30 days notice. Extra fees may be charged for uninsured services (e.g. cable television, private telephone, hairdressing, dry cleaning), but only if there is an agreement in writing. The licensee must give 30 days notice to increase those fees.

#### 4. Will the home monitor my medical and care needs?

**Retirement Homes:** No, unless your "plan of care" that says you agree to pay for specific medical and care needs.

**LTC Homes:** Yes. LTC homes are part of our health care system and are required to both monitor and provide medical care for all of their residents. There are detailed rules regulating how medical and care needs are delivered.

#### 5. What happens if I need more care in the future?

**Retirement Homes:** If you want extra care, you must make the necessary arrangements. This may be done by paying the landlord to provide more care, paying an outside agency, hiring a private caregiver or applying for publicly funded home care from the local Community Care Access Centre. You may also need to move to another level of care, such as a hospital or LTC home to have these needs met.

**LTC Homes:** The home has a legal obligation to meet your care needs, unless they can only be met in another setting, such as a hospital.

#### 6. Can I be evicted?

**Retirement Homes:** Yes, you are a tenant and can be evicted for the same reasons as any other tenant in Ontario under the *Residential Tenancies Act*. For example, you may be evicted if you do not pay rent. You cannot legally be forced to leave unless ordered to do so by the Landlord and Tenant Board. Landlords cannot "refuse" to allow you to return after being admitted to the hospital. If the landlord feels you require a level of care that they are no longer able to provide, the landlord must apply to the Landlord and Tenant Board for a special order transferring you out of the care home.

**LTC Homes:** No. However, the law says that in some circumstances you may be discharged, although failure to pay fees is **not** one of the circumstances. You may be discharged if the home cannot provide a sufficiently safe environment to ensure your safety and those with who you are in contact. In these circumstances, the home must find you suitable alternative accommodation. You cannot be set out on the street.

## 7. Can I be away from the home without any problem?

**Retirement Homes:** Yes. As long as you continue to pay rent, you can come and go as you like without a problem.

**LTC Homes:** The law sets limits as to when and how long you may be away without being discharged. There are different time limits for medical, psychiatric, casual and vacation absences. If you exceed these limits the licensee must discharge you. If you leave the home for more than seven days without telling the licensee where you are and they are unable to locate you, you will be discharged.

## 8. Is there someone to complain to if there is a problem?

**Retirement Homes:** Each home has an internal complaints policy. If you make a complaint to a staff member or landlord about the care of a tenant or the operation of the home, it must be investigated. Any person (except a tenant) who suspects or is aware of any harm or risk of harm to a tenant must immediately report the suspicion and the information on which it is based to the Retirement Homes Regulatory Authority at 1-800-ASK-RHRA (1-800- 275-7472). The Retirement Homes Regulatory Authority has a limited mandate and can only investigate specific complaints. For *Residential Tenancies Act* complaints, you may get assistance from a lawyer or legal service, such as a community legal clinic. The Advocacy Centre for the Elderly may be able to provide advice on issues involving the *Retirement Homes Act*.

**LTC Homes:** Each home has an internal complaints policy. If you make a complaint to a staff member or licensee, they must investigate and respond to your complaint. You also have the right to make a complaint to the Ministry of Health and Long-Term Care at any time by contacting the Long-Term Care ACTION Line at 1-866-434-0144. A Triage Inspector from the Ministry will speak to you and determine whether to send an inspector to investigate the complaint. You may also get assistance from a lawyer from a community legal clinic, such as the Advocacy Centre for the Elderly. The phone number for the Advocacy Centre for the Elderly is (416) 598-2656.