

# 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*. Although the *Retirement Homes Act, 2010* has been passed, it is not in effect yet because it has not been proclaimed.

**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's 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*. 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. However, 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 landlord must give a tenant at least 90 days notice in writing of any increases in charges for care services or meals.

**LTC Homes:** The maximum cost is set by government regulation and is the same for all Ontario homes. However, there are extra fees for uninsured services (e.g. cable television, private telephone, hairdressing, dry cleaning).

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

**Retirement Homes:** No, unless you have an agreement that says they must.

**LTC Homes:** Yes. The law requires that homes monitor your medical and care needs.

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

**Retirement Homes:** You must pay the home for more care, pay an outside agency, or apply for publicly funded home care unless, of course, you need hospital or other special care.

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

#### 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, if you don't pay rent you may be evicted. You cannot legally be forced to leave unless ordered to do so by the Landlord and Tenant Board. Special provisions in the law permit a landlord to apply to the Landlord and Tenant Board to evict you if you require a level of care that the landlord is not able to provide.

**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. However, you can be away for up to 21 days for vacation absence each year.

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

**Retirement Homes:** You can complain to the staff, administrator or owner. You may wish to get assistance from a lawyer or legal service to make this complaint, such as a community legal clinic. You may also call the Complaints Response and Information Service (CRIS) at 1-800-361-7254. This service is funded by the Government of Ontario but operated by the Ontario Retirement Communities Association which is a trade association for retirement home operators. If the home is a member of the Ontario Retirement Communities Association, you may also complain to them. Depending on the type of problem you are experiencing, you may also complain to the municipality or the local health department.

**LTC Homes:** If you have a concern or want to register a complaint against a home, you can call the Long-Term Care ACTION Line at 1-866-434-0144. Also, every home is monitored by a compliance advisor hired by the Ministry of Health and Long-Term Care. While you can try to resolve your problem with the staff or the administrator, you have the right to call the compliance officer to make a complaint or ask for help. The compliance officer will investigate and make efforts to resolve 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.

