



MOVING OUT OF CARE HOMES

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Care homes are governed by the *Residential Tenancies Act*, which is the same legislation that governs residential rental units. The *Residential Tenancies Act* came into effect on January 31, 2007. It introduced a shortened ten day notice requirement for the termination of care services and meals for tenants who are moving out of care home premises.

A care home is defined as a residential complex that is intended to be occupied by persons for the purpose of receiving care services. The term "care service" includes the following: nursing care; administration and supervision of medication prescribed by a medical doctor; assistance with feeding; bathing assistance; incontinence care; dressing assistance; assistance with personal hygiene; ambulatory assistance; and personal emergency response services.

Care homes must have written tenancy agreements with each resident which set out what has been agreed to with respect to care services and meals and the charges for them. The total cost must be divided into at least two parts. The rental portion is subject to rent control. The care service and meals portion is not subject to rent control and can be increased if proper written notice is provided. There may be additional charges, such as charges for telephone and cable television.

Care homes have special rules about the notice tenants must give to the landlord to end their tenancy. A tenant must give at least 30 days written notice of termination to the landlord. The written notice can be given on any day of the month, and a tenancy can be terminated mid-month. A tenant who is terminating the tenancy may give the landlord a ten day written notice requiring the landlord to stop the provision of care services and meals. The tenant does not have to pay for care services and meals after that ten day notice. This is helpful for residents who are waiting for admission to a long-term care facility and who must decide whether to accept a long-term bed offer on a very short notice.

If a tenant passes away, the estate has no obligation to pay for care services and meals more than ten days after the death of the tenant.

The Landlord and Tenant Board website – www.ltb.gov.on.ca/ – contains information about the legislation, as well as copies of forms and answers to frequently asked questions.