RHRA Retirement Homes Regulatory Authority

APPLICATION GUIDE

Retirement Home Licence Application





CONTENTS

About the Application Process 1
Application Form 2
Application Fee 3
Supporting Materials 4
Application Assessment and Licensing 6
Glossary 11

ABOUT THIS APPLICATION GUIDE

If you are researching how to obtain a retirement home licence in Ontario or ready to apply, this Application Guide is written for you.

Developed by the Retirement Homes Regulatory Authority (RHRA), this guide:

- Explains how to apply for a retirement home licence in Ontario
- Provides information regarding the application process, forms and supporting material requirements
- Includes a glossary of terms
- Provides access to application resources
- Explains what happens after you apply, and after you receive your licence

Please note that explanations, definitions and instructions included in this guide are for information purposes only and should be read in conjunction with the Retirement Homes Act, 2010 (Act) and Ontario Regulation 166/11 (Regulation).

This Application Guide may be changed at any time without notice.

Consult the Act and Regulation to learn about the standards that apply and the obligations that come with a retirement home licence in Ontario.

Information in this Application Guide does not constitute legal advice. Consult your own legal counsel if you have questions about the application or interpretation of the Act, or require other professional advice.

ACCESS TO APPLICATION RESOURCES

When viewing an electronic version of this guide, you may click on names of application resources shown in blue font, such as forms, fee schedule, Retirement Home Database – for direct online access.

Simply click the resource name and a new window will open with the online view.

ABOUT THE APPLICATION PROCESS

- The Retirement Homes Act, 2010 (Act) (available at www.ontario.ca/laws) sets out standards and requirements for retirement homes in Ontario.
- The Act establishes the Retirement Homes Regulatory Authority (RHRA), which is independent of government.
- The role of the RHRA is to regulate retirement homes and to provide education about the Act.
- As of July 1, 2012, homes that meet the definition of "retirement home" in the Act must have a licence from the RHRA to operate.
- "Retirement home" means a residential complex or the part of a residential complex:

    - that is occupied primarily by persons who are 65 years of age or older
    - that is occupied or intended to be occupied by at least the prescribed number of persons who are not related to the operator of the home, and

      Regulation 166/11 3. 1) For the purposes of clause (b) of the definition of "retirement home" in subsection 2 (1) of the Act, a residential complex or the part of a residential complex that is a retirement home must be occupied or be intended to be occupied by at least six persons who are not related to the operator of the home.

- Once you have determined that your home meets the definition of a "retirement home" under the Act, apply for a licence to operate by completing and submitting a licence application, the application fee and any required supporting materials to the RHRA.
- Submission of an application to the RHRA initiates the application process.

FOR QUESTIONS OR ASSISTANCE

If you require assistance throughout the application process, contact the RHRA toll-free at 1-855-ASK-RHRA (1-855-275-7472).

You can find helpful information and all forms and guides on the RHRA website at www.rhra.ca.

APPLYING FOR A RETIREMENT HOME LICENCE

COMPLETE AND SUBMIT AN APPLICATION FORM

To apply for a retirement home licence, you need to:

- Complete the relevant application – either a New Operations Licence Application, or an Acquisition Licence Application; and
- Submit the completed form, the application fee and supporting materials to the RHRA, at least eight weeks before to the expected occupancy date of the home [or, the date of transfer if acquiring of an existing home].

The standard licence application processing time is eight weeks. However, please note that if you are a new applicant, processing of your application may take longer than eight weeks.

Applications received after the eight-week deadline would need to be reviewed on an expedited basis and would be subject to an expedited fee, as set out in the RHRA's Fee Schedule.

The New Operation Licence Application form should be completed by individuals or organizations seeking a retirement home licence for a new retirement home:

- If any of the supporting materials are not available at the time of application submission, the Applicant can still submit the application and would provide the anticipated date(s) of additional document submission in the space provided.

On an application, you must designate a Primary Contact Person for the home:

- Ongoing service of RHRA correspondence including, for example, notices and reports required under the Act, will be delivered via mail in care of the Primary Contact Person at the home.

All applicants named on the application form must complete and submit Personal History Report forms, as applicable for individuals and/or corporations depending on the Applicant ownership structure [sole proprietorship, corporation or partnership].

Failure to submit the form and supporting materials by the deadline may result in a delay in processing your application.

If information submitted on the application form or any supporting material changes before the RHRA completes their application assessment, contact the RHRA.

FOR QUESTIONS OR ASSISTANCE

You can find and download the application forms and other information, including educational materials, on the RHRA website at www.rhra.ca.

If you require a hard copy of the forms, you can contact the RHRA at 1-855-ASK-RHRA (1-855-275-7472), and the forms will be sent to you.

APPLYING FOR A RETIREMENT HOME LICENCE | CONT.

SUBMIT APPLICATION FEE

You must submit an application fee with the application form.

As set out in the Fee Schedule, the application fee is:

- In part, based on the total number of rentable, residential units in their home, including any unoccupied units but not subsidized units;
- Not subject to tax

Applications received less than eight weeks prior to the occupancy date of the retirement home may be reviewed on an expedited basis and are subject to a fee.

Expedited application fees can be paid in addition to the licence application fee if an applicant requires priority consideration for an application to be processed within two or four weeks ahead of the standard licence application processing time.

- If an expedited service is requested, an expedited application fee must be submitted concurrently with the licence application fee.

The RHRA will not begin to process an application before receiving all application fees. Current licence application fees are set out in the RHRA's Fee Schedule.

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- Do not send cash by mail. Make a cheque or money order payable to **Retirement Homes Regulatory Authority**. Do not post-date cheques or money orders.
- All fees are non-refundable.
- A $50 processing fee for NSF (non-sufficient funds) cheques will apply.
- The Applicant's name must be clearly legible on the cheque or money order. If the name is not pre-printed on the cheque or money order, write it on the front of the cheque.

Payment of the application fee does not entitle the Applicant to an RHRA licence.

APPLYING FOR A RETIREMENT HOME LICENCE | CONT.

SUBMIT SUPPORTING MATERIALS

For New Operation Licence Application

1) A copy of the home's approved Fire Safety Plan
2) Documentation confirming that sprinklers are installed and operational (i.e. Contractor's Material Test Certificate).
3) A copy of a Food Handling Certificate for at least one person involved in food preparation, if the home provides meals to the residents
4) Municipal Licence (if required by municipality)
5) Pre-opening Public Health Inspection Report
6) The Home's full Information Package as required under s. 54 of the Retirement Homes Act ("the Act")[1]
7) The Home's Procedure for Complaints as required under s.73 of the Act [1]
8) The Home's Emergency Plan as required under s. 60 (4) 1 of the Act [1]
9) The Home's Policy to Promote Zero Tolerance of Abuse and Neglect as required under s. 67(4) of the Act [1]
10) Letter and/or CV/Resume outlining previous experience of Applicant
11) Letter outlining previous sector experience of Management Company (if any)
12) Occupancy Permit
13) Zoning Confirmation: documentation confirming that the home is zoned in an area that permits the use of a retirement home
14) Evidence of Extra Expense Insurance (EEI), including broker name, policy number, date received and policy expiration date
15) Required Personal History Report(s) (Individual and/or Corporate)

The RHRA may request additional information/documentation as part of the licensing application review process.

[1] If the applicant home intends on using policies that were previously submitted with an RHRA licensing application and deemed sufficient by the RHRA, the applicant does not need to submit the policies with any subsequent applications. If you are unsure whether you need to submit your policies, please contact the RHRA.

APPLYING FOR A RETIREMENT HOME LICENCE | CONT.

SUBMIT SUPPORTING MATERIALS

For Acquisition Licence Application

1) A copy of the home's most recent Fire Safety Plan and proof that the plan has been approved by the local fire department
2) Latest Sprinkler Inspection Certificate
3) A copy of a Food Handling Certificate for at least one person involved in food preparation, if the home provides meals to the residents
4) Municipal Licence (if any)
5) Three most recent Public Health Inspection Reports
6) The Home's full Information Package as required under s. 54 of the Retirement Homes Act ("the Act") [1]
7) The Home's Procedure for Complaints as required under s.73 of the Act [1]
8) The Home's Emergency Plan as required under s. 60 (4) 1 of the Act [1]
9) The Home's Policy to Promote Zero Tolerance of Abuse and Neglect as required under s. 67(4) of the Act [1]
10) Letter and/or CV/Resume outlining previous experience of Applicant
11) Letter outlining previous sector experience of Management Company (if any)
12) Evidence of Extra Expense Insurance (EEI), including broker name, policy number, date received and policy expiration date.
13) Required Personal History Report(s) (Individual and/or Corporate)
14) Corporate Profile (if Corporation Applicant)

The RHRA may request additional information/documentation as part of the licensing application review process.

[1] If the applicant home intends on using policies that were previously submitted with an RHRA licensing application and deemed sufficient by the RHRA, the applicant does not need to submit the policies with any subsequent applications. If you are unsure whether you need to submit your policies, please contact the RHRA.

LICENCE APPLICATION ASSESSMENT

Once your application is submitted, the RHRA will review the information provided.

The RHRA reviews each application using criteria that are set out in the Act and relate to the Applicant's:

- Past experience and conduct,
- Ability to provide care services, and
- Competency to operate the home in a responsible manner in accordance with the Act

The RHRA may request more information to evaluate your ability to comply with the Act.

The RHRA will use a risk-based approach to review applications.

- This approach recognizes that homes applying for a licence will have different levels of readiness to comply with the Act.
- Homes that the RHRA considers lower risk may proceed more quickly through the process.

LICENCING

After reviewing an application, the Registrar of the RHRA may do one of the following:

1) Issue a licence
2) Issue a licence with conditions
3) Refuse to issue a licence

If the Registrar refuses to issue a licence or issues it with conditions, you will first receive a notice. The notice will set out the Registrar's proposed decision and the reasons for it.

- You will have the opportunity to make written submissions to the Registrar about the proposed decision. The Registrar will review your submission before making a final decision.

If the final decision is to refuse the licence or impose a condition, you will receive notice of the final decision.

- You may appeal the final decision to the Licence Appeal Tribunal (LAT).
- To find out more about the LAT, visit https://tribunalsontario.ca/lat/.

AFTER LICENSING

POST-LICENSING INFORMATION

Once you receive a licence, you must post it in a conspicuous place where RHRA inspectors, residents and others can easily see it.

Retirement home licences are NOT transferable.

If the owner of a retirement home sells the home, or if there is any change of controlling interests in a licensee, the licence terminates and a new licence application is necessary.

The RHRA does not renew licences.

- Subject to a licensee paying its fees and maintaining compliance with the Act, a licence is valid until the Registrar revokes it, the licensee surrenders it, or an event such as a sale triggers its termination.

THE RETIREMENT HOME DATABASE

The Act requires the RHRA to maintain a publicly-displayed Retirement Home Database that contains information about applicants and licensees.

Information in the Retirement Home Database must be kept current and includes:

- Retirement home's name and address
- Name and contact information for the home's Primary Contact Person and administration/management personnel
- Care services provided in each home
- Occupancy capacity of each home
- Summaries of each home's inspection reports
- Any orders imposed on licensed homes under the Act

CHANGES TO INFORMATION / CONTROLLING INTEREST

You must notify the RHRA in writing of any material change in any of the information provided on the application form and/or supporting materials.

In addition, you must notify the RHRA of any change in information contained in the Retirement Home Database by completing and submitting a Notice of Change Form which can be found at www.rhra.ca in the Operator Resources section.

Please note that changes in a controlling interest will terminate a retirement home licence. If this occurs, contact the RHRA for assistance.

AFTER LICENSING | CONT.

RHRA INSPECTIONS

Once you receive a licence, or become a licensee under the Act, you will be subject to RHRA inspections.

An inspection may occur for different reasons.

- For example, it may be in response to a report of harm or risk of harm to a resident, or to monitor compliance with the Act.
- You may be subject to a "spot" or "random" inspection without notice.

The frequency and duration of routine inspections will depend on the RHRA's risk assessment of the home.

All homes will receive at least one inspection every three years.

COMPLIANCE RESOURCES

The RHRA has created tools to help you understand the Act and the standards that will apply to your home.

Visit the Operator Resources section at www.rhra.ca to access:

- A plain-language guide for the Act
- Educational fact sheets
- Compliance checklists
- Online Compliance Assistance Modules (CAMs)

ANNUAL LICENCE FEE

- The Act permits the RHRA to set and charge fees. The RHRA does not receive government funding and depends on industry fees to fund its operations.
- For current licence application fees and annual fees, refer to the RHRA's Fee Schedule in the Operator Resources section of www.rhra.ca.
- A licensee must pay an Annual Licence Fee to the RHRA
- These fees will go toward the cost of administering the Act, including RHRA activities relating to educating the public, compliance and enforcement of the Act.
- Rates for the annual licence fee are also included in the Fee Schedule.
- Annual fees are levied based on the number of residential units (or suites) in a home, including any unoccupied residential units.
- It is the responsibility of the Applicant to notify the RHRA of any changes to the number of residential units that occur during the application process.

AFTER LICENSING | CONT.

OTHER FEES

The RHRA may also charge licensees a fee for costs related to certain activities or services under the Act, for example:

- Late application fees
- Inspections

GLOSSARY

Applicant: The individual(s) or corporation applying for a retirement home licence.

Automatic sprinklers: Under the Ontario Fire Code, all licensed retirement homes are required to be equipped with automatic fire sprinklers by January 1, 2019. If the home you are purchasing is not equipped with sprinklers, we strongly encourage applicants to explore the cost of installing sprinklers prior to submitting a licence application.

Controlling Interest: Controlling interest belongs to those individuals who have an ownership interest in an applicant or licensee and who have the authority to direct the operations, management, and policies of the applicant or licensee for the operation of the retirement home.

> **Corporate applicant or licensee**: In the case of a corporate applicant or licensee, controlling interest is held by one or more persons who hold(s) a majority (51% or more) of a company's voting shares, sufficient to elect the corporation's Board of Directors. Where there are multiple shareholders who together exercise the authority to elect the corporation's Board of Directors and direct the applicant or licensee's operations, all of the shareholders may hold a controlling interest in the applicant or licensee. Corporations may hold a controlling interest in the applicant or licensee. Where a controlling interest is itself a corporation, the RHRA will assess whether the directors and officers of that controlling interest meet the licensing requirements set out in section 35 of the Act.
>
> If the applicant is a not-for-profit corporation, the person(s) with controlling interest section may be left blank. The RHRA may request information about your board of directors.
>
> **Non-corporate applicant or licensee**: A person has a controlling interest in a non-corporate applicant or licensee if the person has an ownership interest in the applicant or licensee and has right and authority to direct the operations, management and policies of the applicant or licensee.As with a corporate applicant or licensee, more than one person can have a controlling interest in a non-corporate applicant or licensee.
>
> In the case of sole proprietorships, the controlling interest will generally be the individual owner. In some instances, such as when an immediate relative of the sole proprietor shares a residence with the sole proprietor and has the factual authority and responsibility to direct the management and policies of the entity, that individual will also have a controlling interest in the applicant or licensee.

Direct care: Where a Retirement Home employee or contracted employee or staff member (including a staff member from an employment agency of the operator) of provides the service to a resident.

Expedited: Expedited application fees can be paid in addition to the licence application fee if an applicant requires priority consideration for applications to be processed within two or four weeks ahead of the standard licence application processing time. If an expedited service is requested, an expedited application fee must be submitted concurrently with the licence application fee. See the Fee Schedule for current Expedited Application fees.

Indirect care: Includes arrangements where the Retirement Home operator facilitates arrangements for a resident to receive care services from an external care provider.

Non-arm's length relationships occur when the Applicant and the Care Service Provider have an existing personal or professional relationship, including spouse, family members, friends, business partners, controlling interest, etc.

GLOSSARY | CONT.

Personal History Report: Personal History Reports are part of the Licence Application and may be downloaded from the RHRA website, or accessed by clicking on the report names in this Application. Use Individual form for individuals (sole proprietor, officers and directors any anyone with a controlling interest in the corporation or partnership). Use a Corporate form for corporations or where the relevant person is a corporation.

There may be multiple Personal History Reports related to one Application. See the Application Guide for more information regarding Personal History Report requirements.

Primary Contact Person: The Applicant must designate a Primary Contact Person to be listed on the RHRA's Retirement Home Database. If licensed, the Primary Contact Person is the main point of contact with the RHRA and will receive RHRA correspondence including, for example, fee invoices, inspection reports and any notices and reports required under the Retirement Homes Act, 2010.

Residential Unit – Suites are residential units, for example private or bachelor units, or one-or two bedroom suites. Suites include portions or divisions of a unit that are separately occupied by multiple residents, for example semi-private or ward-type accommodation.

Note: residential units do not include any of the following:

- premises or parts of premises that are governed by or funded under the Homes for Special Care Act, the Long-Term Care Homes Act, 2007, the Private Hospitals Act, the Public Hospitals Act, and the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 [Act 2(d)]
- premises at which emergency hostel services are provided under the Ontario Works Act, 1997. [Act 2(1)e]
- premises or parts of premises at which a supportive housing program or residential treatment program is provided and funded under the Home Care and Community Services Act, 1994, the Local Health System Integration Act, 2006, or the Ministry of Health or Long-Term Care Act. [O.Reg. 166/11 section 3]

Retirement Home Database: RHRA maintains a database of all retirement homes that includes: every retirement home's name and address, care services provided in each home, the occupancy capacity of each home, summaries of each home's inspection reports and any orders imposed on licensed homes under the Act. RHRA must be notified regarding any information changes via email at licensing@rhra.ca or by completing a Notice of Change form.

Standard: The standard licence application processing time is eight weeks - this may vary depending on the completeness of the application and/or the presence of factors that could call into question the applicant's suitability to meet the licensing criteria. See the Fee Schedule for current Standard Application fees.

Suites: Suites are residential units ordinarily available for occupancy, whether occupied or unoccupied. For example, private or bachelor units, or one- or two-bedroom suites are residential units. Suites include portions or divisions of a unit occupied by multiple residents, for example semi-private or ward-type accommodation. Suites do not include common or staff member areas.

GLOSSARY | CONT.

Subsidized Suites:

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 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.