RHRA Retirement Homes Regulatory Authority

Notice of Change of a Controlling Interest in a Licensee

This form is only to be used for reporting a change of a controlling interest in a Licensee. See Appendix A on page 3 for the definition of a controlling interest set out in the *Retirement Homes Act, 2010* (Act). The Act requires all retirement home licence applicants/licensees to notify the RHRA of certain changes to the information on a licence application, the Retirement Home Database and supporting documentation submitted in conjunction with a licence application. The RHRA must also be notified when a licence terminates. Under section 48 of the Act, a retirement home licence is terminated when:

(a) a person ceases to have a controlling interest in the licensee

(b) a person acquires a controlling interest in the licensee

Under section 109 (1) of the Act, notification must be provided to the RHRA **in writing at least two months before** any of the above change(s) occur **or as soon as practicable**.

For more information, consult section 48 of the Act for a full list of conditions that terminate a retirement home licence.

How to submit your Change of Person with Controlling Interest Form:

Please complete and submit the form on page 2 and send it to the Retirement Homes Regulatory Authority (RHRA) accompanied with the relevant Personal History Report forms. Form 2A must be completed by individual(s) and Form 2B to be completed by corporation(s) acquiring controlling interest in the licensee. These forms can be found under the "Apply for a Licence" tab at www.rhra.ca.

The current processing of the form and re-issuing of the licence fees are set out in the RHRA's Fee Schedule. An additional administrative fee may apply depending on the nature of the change. See the RHRA's Fee Schedule for more details. The RHRA will notify you of any additional administrative fees.

Forms must be sent **by mail** to the RHRA at:

Retirement Homes Regulatory Authority
55 York Street, Suite 700
Toronto, ON
M5J 1R7

Make sure you include the following:

☐ Signed Notice of Change of a Controlling Interest Form
☐ Form 2A – Personal History Report - Individual (if applicable)
☐ Form 2B – Personal History Report – Corporate (if applicable)
☐ Fee payment

RHRA Retirement Homes Regulatory Authority

Changes to Person with Controlling Interest

Name of retirement home:	
Address of retirement home:	
Name of person(s) ceasing to have controlling Interest:	
Name of person(s) acquiring a controlling interest:	
Date of change:	
Date of submission of change:	
Contact name:	
Contact job title:	
Contact phone number:	
Contact email address:	

If any additional changes not related to changes of a controlling interest have occurred, please fill out a Notice of Change Form and submit it to the RHRA. The form can be found on the RHRA's website under "Operator Resources".

I declare that no additional changes have occurred in the retirement home.

I declare that the information in this application and the documents and materials accompanying it, to the best of my knowledge, is true and complete.

Full Name _____ Signature _____

Position Title _____ Date _____

TO BE COMPLETED BY RHRA ONLY

Date report received: Report received by Account Coordinator:

RHRA Retirement Homes Regulatory Authority

Appendix A

Section 3 (1-2) of the Act sets out the definition of a "controlling interest" and an "associate".

Interpretation, controlling interest

3. (1) For the purposes of this Act and without limiting the meaning of "controlling interest",

(a) a person has a controlling interest in a corporation if,

(i) the person, either alone or with one or more associates, directly or indirectly owns, beneficially or otherwise, other than by way of security only, voting shares of the corporation carrying more than 50 per cent of the votes for the election of directors, and

(ii) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the corporation;

(b) a person has a controlling interest in an entity that is not a corporation if the person, either alone or with one or more associates, has the direct or indirect right or ability, beneficially or otherwise, to direct the management and policies of the entity; and

(c) a person has a controlling interest in a second person if the person, either alone or with one or more associates, has a controlling interest within the meaning of clause (a) or (b), as applicable, in a third person who has a controlling interest within the meaning of clause (a) or (b), as applicable, in the second person, and so on. 2010, c. 11, s. 3 (1).

Associate

(2) For the purpose of this section, one person is an associate of another person if,

(a) one person is a corporation of which the other person is a director or officer;

(b) one person is a partnership of which the other person is a partner;

(c) one person is a corporation that is controlled, directly or indirectly, by the other person;

(d) both persons are members of the same voting trust relating to shares of a corporation;

(e) one person is the father, mother, brother, sister, son, daughter or spouse of the other person or is another relative who has the same residence as the other person; or

(f) both persons are associates, within the meaning of clauses (a) to (e), of the same person. 2010, c. 11, s. 3 (2).