MEMORANDUM OF UNDERSTANDING
BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
AS REPRESENTED BY THE
MINISTER FOR SENIORS AND ACCESSIBILITY

(the “Minister”)

- AND -

RETIREMENT HOMES REGULATORY AUTHORITY,
a not-for-profit corporation without share capital incorporated under the laws of Ontario

(the “RHRA”)

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Recitals

WHEREAS the Minister and the RHRA are required to enter into a memorandum of understanding pursuant to section 18 of the *Retirement Homes Act, 2010*;

AND WHEREAS the Minister is accountable to the people of Ontario as a member of the Legislative Assembly and to the Legislative Assembly as a Minister of the Crown in right of Ontario;

AND WHEREAS the RHRA is accountable to the Minister and the government for its administration of the *Retirement Homes Act, 2010* and its associated regulations and its statutory mandate under that Act;

AND WHEREAS the RHRA provides valuable information to the government regarding the operational effectiveness of the *Retirement Homes Act, 2010* and its associated regulations and on measures that may strengthen the care, safety and rights of residents in retirement homes, and that both parties acting in the public interest are dependent on a collaborative relationship;

AND WHEREAS the Minister and the RHRA recognize the benefit of maintaining a strong collaborative relationship and the importance of resolving any disagreements as amicably and expeditiously as possible;

AND WHEREAS the RHRA is not a Crown agent, is self-funded and is not self-regulating;

AND WHEREAS the Minister is responsible for recommending legislative and regulatory changes to the Lieutenant Governor in Council;

AND WHEREAS the Minister and the RHRA intend to exercise their powers and duties under the *Retirement Homes Act, 2010* in such a manner as to protect the public interest and carry out and perform their respective duties under this memorandum of understanding in a manner to help ensure that a retirement home is operated so that it is a place where residents live with dignity, respect, privacy and autonomy, in security, safety and comfort and can make informed choices about their care options;

NOW THEREFORE in consideration of the promises and the mutual covenants

contained in this memorandum of understanding and subject to the terms and conditions hereof, the parties hereby enter into this memorandum of understanding.

1. Definitions and Interpretation

1) In this memorandum of understanding, the following terms have the following meanings:

a) "**Act**" means *Retirement Homes Act, 2010* and its associated regulations*;*

b) "**Board**" means the Board of Directors of the RHRA;

c) "**Chair**" means the Chair of the Board of Directors of the RHRA;

d) "**CRO**" means the Complaints Review Officer appointed under section 25 of the Act;

e) "**Consumer**" means a retirement home resident, a family member of a resident, a person of importance to a resident, a representative of a seniors' organization or an individual who advocates for seniors;

f) "**Crown**" means Her Majesty the Queen in Right of the Province of Ontario;

g) "**Deputy Registrar**" means a Deputy Registrar appointed under section 23.1 of the Act.

h) "**Inspector**" means the Registrar or an inspector appointed by the Registrar under section 76 of the Act;

i) "**Investigator**" means a person appointed by the Registrar under section 80 of the Act;

j) **"Lobby"** means to arrange a meeting between a public office holder, as defined in the *Lobbyist Registration Act, 1998*, and any other person or to communicate with a public office holder in an attempt to influence

i. the development of any legislative proposal by the Government of Ontario or by a member of the Legislative Assembly,

ii. the introduction of any bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any bill or resolution that is before the Legislative Assembly,

iii. the making or amendment of any regulation as defined in Part III (Regulations) of the *Legislation Act, 2006*,

iv. the development or amendment of any policy or program of the Government of Ontario or the termination of any program of the Government of Ontario,

v. a decision by the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or to the public,

vi. a decision by the Executive Council, a committee of the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Crown, or

vii. the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown.

k) **"Lobbyist"** means an individual who, for payment, undertakes to Lobby on behalf of the RHRA, but does not mean an individual who is employed by the RHRA, a significant part of whose duties is to Lobby on behalf of the RHRA;

l) "**Minister**" means the Minister for Seniors and Accessibility or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*;

m) "**Ministry**" means the ministry of the Minister;

n) "**MOU**" means this memorandum of understanding entered into between Minister and RHRA, and includes all attached schedules and any agreement or schedule in writing supplementing or amending this memorandum of understanding or any of its schedules;

o) "**Objects**" means the objects of the RHRA in section 16 of the Act;

p) "**Registrar**" means the Registrar appointed under section 23 of the Act;

q) "**Retirement Home**" means a retirement home as defined in the Act;

r) "**RHRA**" means the Retirement Homes Regulatory Authority;

s) "**RO**" means the Risk Officer appointed under section 24 of the Act;

t) **"Statutory Mandate"** means the exercise of the authority delegated to

the RHRA, pursuant to the Act and includes the objects of the RHRA as set out in clauses 16 (a) to (d.1) but excludes non-regulatory business ventures;

2) In this MOU, for the purposes of interpretation:

a) Words denoting the singular include the plural and vice versa and words denoting any gender include all genders;

b) The word “including” or “includes” shall mean “including (or includes) without limitation”;

c) Any reference to a statute shall mean the statute in force as at the date hereof, together with all regulations promulgated thereunder, as the same may be amended, re-enacted, consolidated and/or replaced, from time to time, and any successor statute thereto, unless otherwise expressly provided;

d) The division of this MOU into separate sections and subsections, and the insertion of headings are for convenience of reference only and shall not affect the construction or interpretation of this MOU; and

e) This MOU should be read together with the Act. This MOU does not affect, modify or limit the powers of the Act or the RHRA as set out in the Act, or interfere with responsibilities of any of its parties as established by law.

3) The powers and responsibilities of the Minister set out in this MOU may be exercised by the Minister and, when authorized, by the deputy minister of the Ministry, or another authorized official of the Ministry.

2. Purpose of the MOU

1) This MOU between the Minister and the RHRA:

a) Clarifies the roles, duties and responsibilities of the Minister and the RHRA in relation to the administration of the Act and the administrative matters as set out under the Act; and

b) Clarifies the administrative, financial, auditing, accountability, legislative and regulatory development, and working and reporting relationships between the parties.

3. Other Duties and Powers

1) Any additional duties and powers of the RHRA assigned to it by the Minister pursuant to clause 16 (e) of the Act shall be set out in Schedule “A” attached to this MOU. Schedule “A” may be amended from time to time by the Minister. The RHRA may provide the Minister with advice to support the process and implementation of the assignment of an additional duty or power.

4. Accountability Relationships

1) The Minister is accountable to the Legislative Assembly for the fulfilment of the Statutory Mandate by the RHRA.

2) The Board is accountable to the Minister through the Chair, for the performance of the RHRA.

5. Roles and Responsibilities of the Parties

5.1 The Minister

1) The Minister is responsible for overseeing the performance of the RHRA with respect to the fulfilment of its Statutory Mandate. For this purpose, the Minister requires timely access to information from the RHRA as set out in the Information Sharing Protocol, attached as Schedule “B”.

2) The Minister is responsible for bringing forward proposed changes to the Act to the Lieutenant Governor in Council and the Legislative Assembly.

3) The Minister may engage the RHRA:

   a) throughout the policy development process on legislative or policy changes that may affect the RHRA and its activities,

   b) in supporting the Ministry with public and stakeholder communications and consultations regarding any proposed legislative, regulatory or policy changes, and

   c) in the development of communication strategies for critical or on-going issues.

4) The Minister may provide the RHRA with an annual letter outlining the government’s expectations and priorities with respect to the RHRA during the specified fiscal year. The letter would provide measurable expectations from the Minister that align with the RHRA’s Statutory Mandate as well as government priorities and commitments. The Minister will make reasonable

efforts to provide the letter in the Fall to inform business planning for the upcoming fiscal year. If provided later than the Fall, the RHRA may provide the Minister with information on any operational impact of the expectations and priorities in the letter.

5) Pursuant to section 19 of the Act, the Minister may issue policy directions to the RHRA relating to its administration of the Act after giving the RHRA the notice that the Minister considers reasonable in the circumstances. The parties acknowledge that a policy direction issued to the RHRA is deemed to form part of the MOU and is binding on it.

6) The Minister may, where the Minister deems appropriate, delegate, make or assign to the RHRA such additional authority, appointments or consents as are within the Minister's authority, if the RHRA requires such additional authority, appointments, or consents to carry out its Statutory Mandate.

7) The Minister may, where the Minister deems appropriate, assist the RHRA in obtaining any additional authorities, appointments or consents which cannot be granted by the Minister.

8) The Minister may, where the Minister deems appropriate, assist the RHRA in working with other ministries to facilitate agreements and relationships with the RHRA.

9) The Minister may, where the Minister deems appropriate, in consultation with the RHRA and as approved by the Lieutenant Governor in Council or such other government personnel or bodies as are required, conduct intergovernmental relations and negotiate trade and other binding intergovernmental agreements.

10) The Minister shall not interfere with the independent exercise of the statutory functions fulfilled by the RHRA's Registrar, Deputy Registrars, CRO, RO, Inspectors, and Investigators exercising statutory and regulatory duties.

11) The Minister shall make reasonable efforts to meet with the Chair from time to time, at least semi-annually.

5.2 The RHRA

1) The RHRA shall carry out its duties and responsibilities in accordance with the law, the Act and this MOU.

2) The RHRA shall carry out its duties and responsibilities in accordance with

the principle that a retirement home is to be operated so that it is a place where residents live with dignity, respect, privacy and autonomy, in security, safety and comfort and can make informed choices about their care options. The RHRA shall consider current best practices, including risk-based regulatory practices, in carrying out its duties and responsibilities.

3) The RHRA, through the Chair, shall ensure that the Board is aware of the terms of this MOU.

4) The RHRA is responsible for ensuring that it has adequate resources, including financial resources, to comply with this MOU, the Act, and other applicable law, and for acting in accordance with the business plan that it has provided to the Minister under clause 10(1)(a) of this MOU.

5) The RHRA is responsible for developing and maintaining corporate by-laws and shall make such by-laws available on its website within 30 days after the by-laws are passed by the Board.

6) The RHRA is responsible for developing and maintaining up-to-date written policies and procedures for each functional area of its business.

7) The RHRA is responsible for developing, maintaining and making publicly available on its website up-to-date written procurement policies and procedures that comply with the most recent Ontario Public Service Procurement Directive as it applies to Other Included Entities.

8) The RHRA is responsible for developing, maintaining and making publicly available on its website up-to-date written travel, meal and hospitality expenses policies and procedures in keeping with the spirit and principles of the most recent Ontario Public Service Travel, Meal and Hospitality Expenses Directive in order to set out principles for the reimbursement of expenses to ensure fair and reasonable practices, and to provide a framework of accountability to guide the effective oversight of resources in the reimbursement of expenses.

9) The RHRA is responsible for developing and maintaining appropriate risk management processes and plans, performance measurements, governance, and financial management processes with sound internal controls to conduct the RHRA's operations effectively and efficiently, economically and with regard to stakeholders' and the public's expectations for the prudent use of funds.

10) The RHRA is responsible for developing, maintaining and making publicly

available on its website up-to-date written policies and procedures, including service standards, for responding to and assisting in the resolution of consumer complaints about retirement homes and other complaints received by the RHRA related to its administration of the Act.

11) The RHRA is responsible for providing the Minister with timely information in relation to any matter requested by the Minister and shall also provide the information identified in the Information Sharing Protocol attached as Schedule “B”.

12) The RHRA is responsible for developing, maintaining and making publicly available on its website up-to-date written policies and procedures, including service standards, for licensing applications.

13) To better inform the public about infectious disease outbreaks in retirement homes, the RHRA is responsible for collecting and making publicly available on its website up-to-date infectious disease outbreak data regarding COVID-19 or other pandemics that is reported by retirement homes, as required by the Minister if the Minister determines that the information is not publicly available in an accessible format through the collection and publication of infectious diseases information by the Ministry of Health, Public Health Ontario or local public health agencies.

14) When able and appropriate, the RHRA shall coordinate its enforcement activities in relation to the investigation of serious incidents with the enforcement activities of other municipal, provincial and federal enforcement authorities.

15) When engaged by the Minister and in a manner specified by the Minister, in accordance with subsection 5.1(3) of this MOU, the RHRA shall collaborate in:

    a) the policy development process on legislative or policy changes that may affect the RHRA and its activities, including collecting specific information requested in writing by the Minister;

    b) supporting public and stakeholder communications and consultations regarding any proposed legislative, regulatory or policy changes; and

    c) the development of communication strategies for critical or on-going issues.

16) The RHRA shall promptly inform and advise the Minister regarding any

information related to the administration of the Act and any urgent or critical matters that may require legislative, regulatory or policy changes or other action by the Minister.

17) The RHRA shall not use public funds or funds generated under the Act to hire Lobbyists to Lobby the provincial government.

18) If the Minister exercises any of the Minister's powers under the Act, the RHRA shall take all necessary and advisable steps to ensure compliance with the power that has been exercised.

6. Membership

The RHRA shall provide the Minister with a copy of any of its by-laws, as amended from time to time, respecting the qualifications and/or the terms and conditions of membership in the RHRA.

7. Board and Statutory Appointments

7.1 Board Composition and Appointment of Board Members

1) Subject to a Minister's order made under the Act to the contrary and any other legal obligations, the rules pertaining to who can serve as directors elected to the Board, the criteria for their nomination, the process for their election, the length of their term and whether they can be re-elected, other than Lieutenant Governor in Council appointees, shall be established by by-law with the approval of the Minister. The RHRA shall provide such by-laws to the Minister for review and approval. Such by-laws may only be made by the Board, with the approval in writing of the Minister

2) Regarding Lieutenant Governor in Council appointees, the by-laws of the RHRA may include provisions that reflect the content of section 12 of the Act for completeness.

3) The RHRA shall obtain the Minister's prior approval of any change in the by-laws respecting who can serve as directors elected to the Board, the criteria for their nomination, the process for their election, the length of their term and whether they can be re-elected.

4) No person may sit as a member of the Board while the person is an employee or a director of an industry association representing the interests of the regulated industry.

5) The by-laws of the RHRA shall not grant to any person who is not a Board member the right to notice of meetings of the Board or the right to attend meetings of the Board. With the consent of the Chair, a person who is not a member may attend all or part of meetings of the Board.

6) Subject to any order made by the Minister under subsections 12(8) or (9) of the Act, the RHRA shall develop and maintain competency criteria for the Board setting out the types of skills and competencies that are required on the Board, which shall be approved by the Minister and attached to this MOU as Schedule "C". A Minister's order under subsections 12(8) or (9) is deemed to be an addendum to Schedule "C".

7) The Board competency and selection criteria in Schedule "C" shall be inclusive and shall require reasonable efforts to include members on the Board who reflect a variety of perspectives, including consumer protection and public interest perspectives, with the goal of reflecting the diversity of Ontario. The RHRA shall make the competency and selection criteria public.

8) The Minister shall have regard to the competency and selection criteria used by the Board when recommending appointments to the Lieutenant Governor in Council.

9) Despite subsection 7.1(4) of this MOU, the Board recognizes that Board members appointed by the Lieutenant Governor in Council in accordance with the Act may include licensees as defined in the Act and representatives of consumer groups, business, government organizations, or such other interests as the Lieutenant Governor in Council determines.

10) The Minister shall endeavour to recommend to the Lieutenant Governor in Council that it make appointments to the Board in a timely manner.

11) Board members appointed by the Lieutenant Governor in Council, other than Board members employed by the public service of Ontario as defined in the *Public Service of Ontario Act, 2006,* shall be remunerated by the RHRA in an amount and on a basis that is equivalent to all other Board members. A Board member employed by the public service of Ontario as defined in the *Public Service of Ontario Act, 2006*, shall not receive any remuneration unless permitted under the Ontario Public Service Agencies and Appointments Directive or any successor directive.

12) The Board shall ensure that new Board members complete any training required by the Minister within six (6) months of being elected or appointed, or

when next available.

7.2 Information Required from the Board

1) The Board shall conduct a Board evaluation in accordance with best practices in alignment with its strategic planning timelines so that the findings can be considered for strategic planning purposes. The evaluation may be facilitated by an independent third party. The results of the evaluation shall be summarized in a report and a copy of the report shall be provided to the Chair. The Chair shall provide a copy of the report to the Minister upon request.

2) The Board shall adopt a binding code of ethics for its directors, officers, inspectors, and every other person employed, retained or appointed by the RHRA. The code shall include rules to prevent the possibility of any Board member advancing his or her personal or business interests, or the interests of another person or organization, ahead of the interests of the RHRA. As well as rules respecting conflicts of interest, the code shall include rules respecting political activity and disclosure of wrongdoing. The code of ethics, as it may be amended from time to time, is subject to the approval of the Minister. Upon approval by the Minister, such code shall be attached to this MOU as Schedule “D”.

3) The annual meeting, at which the Board shall present its annual report and audited financial statements, and report to the members of the RHRA on the affairs of the RHRA for the immediately preceding year, shall be open to the general public and the Board shall make reasonable efforts to inform the general public of such meeting.

4) Subject to any Minister’s requirement made under section 19.1 of the Act, the RHRA shall establish and maintain an advisory process for direct input to the RHRA on issues of importance to consumers. This may include the establishment of an advisory committee comprised of at least one consumer and at least one representative of the retirement home sector and any other individuals selected by the Board or determined by the Minister. The terms of reference of such an advisory process shall be made public and a report on the activities and advice provided by this process shall be included in the annual report.

7.3 Minister’s Designation of Chair

In accordance with subsection 12(14) of the Act, the Minister shall designate the Chair from among the Board members and for this purpose the Minister shall have

regard to the views of the Board, the competency criteria used by the Board, qualifications or rules established by any Minister's order under subsections 12(8) or (9) of the Act, the RHRA's succession planning, and any other matter the Minister considers advisable in the circumstances.

7.4 Statutory Appointments

1) As provided for in sections 23 and 23.1 of the Act, the Board shall appoint a Registrar and may appoint a maximum of two Deputy Registrars.

   a) The Registrar and any Deputy Registrar(s) shall be employees of the RHRA and shall not be:

      i) a member of the Board;

      ii) a RO or CRO under the Act;

      iii) an employee or director of an industry association representing the interests of the regulated sector;

      iv) a licensee under the Act;

      v) a member of any board of directors representing the interests of any entity carrying on business, either directly or indirectly, in any sector that is regulated or affected, either directly or indirectly, by the Act.

2) As provided for in section 24 of the Act, the Board shall, with the approval of the Minister, appoint a RO by a resolution approved by at least two-thirds of the members of the Board and, as provided for in section 25 of the Act, the Board shall appoint a CRO by a resolution approved by at least two-thirds of the members of the Board.

   a) Neither the RO or CRO shall:

      i) be a member of the Board;

      ii) be a Registrar or Deputy Registrar;

      iii) hold a position in the RHRA that is subordinate to the Registrar or Deputy Registrar;

      iv) be an employee or director of an industry association representing the interests of the regulated sector; or

v) be a licensee under the Act.

3) The Registrar, Deputy Registrars when acting as the Registrar in the Registrar's absence, RO and CRO shall report directly to the Board or through a committee of the Board.

4) The Board shall verify that the RO and CRO perform their duties and responsibilities in accordance with the Act and this MOU.

5) As required by the Act, the RHRA shall provide the RO and CRO with access to any information and records required to perform their respective duties.

6) The RHRA acknowledges that the Registrar, Deputy Registrars, RO, CRO, Inspectors and Investigators exercise statutory duties that require independent decision-making and, for that purpose, the RHRA agrees that the Board shall not interfere with the independent exercise of these statutory responsibilities but may review the manner in which those responsibilities are carried out, consistent with the Board's corporate and regulatory governance responsibilities.

8. The Risk Officer

8.1 Appointment

1) The RO shall be appointed in accordance with subsection 24 (1) of the Act, which requires the Minister's approval and a resolution approved by at least two-thirds of the members of the Board, for a term of at least two (2) years. For this purpose, the Minister shall provide his approval in writing, in advance of the appointment. The RO may be reappointed.

2) In determining whether to approve the appointment of the RO, the Minister shall consider whether the proposed RO:

a) has appropriate credentials and competencies to effectively discharge the duties of the position;

b) has experience or familiarity with internal audit principles and best practices for reviewing/assessing regulatory administrative processes and their effectiveness;

c) has exhibited the ability to work with impartiality, objectivity and integrity;

d) is not a current employee or has not been a past employee, officer or director of the RHRA within the past four (4) years;

e) has not been an operator of a retirement home or a licensee in the past four (4) years; and

f) any other matter the Minister considers appropriate, on giving reasonable notice to the Board.

3) The RO may only be removed from office in accordance with subsection 24 (2) of the Act, which requires a resolution approved by at least two-thirds of the members of the Board. The Board shall advise the Minister of any action it proposes to take under this provision.

8.2 Duties and Responsibilities

1) The RO shall fulfill its duties under subsection 24 (3) of the Act.

2) The RO's annual report required under clause 24 (4) (a) of the Act shall include an overview of the RO's activities and operations, highlight key recommendations arising out of any other report prepared by the RO in the preceding year, and any other matter the RO considers relevant.

3) The Board shall publish on its website the progress it has made in responding to any recommendations made by the Risk Officer in a report made under subsections 24 (4) and (5) of the Act that has been made available for public inspection.

4) The RO shall not at any time accept or engage in any of the following duties, except as required under the Act or any other legislation or by a court order;

a) Report or comment on any finding of liability or fact or on any investigation, whether initiated by the RHRA or another enforcement body, any legal proceeding, or reasonably foreseeable legal proceeding involving the RHRA or the Ministry.

b) Report or comment on any action, or decision, by the Registrar or a Deputy Registrar under the Act, nor interfere in any duty, or power of the Registrar or a Deputy Registrar;

c) Investigate or review specific incidents, or individual complaints;

d) Accept any statutory, regulatory, administrative, or enforcement responsibilities of the RHRA, unless prescribed under clause 24 (3) (b) of the Act.

9. The Complaints Review Officer

9.1 Appointment

1) The CRO shall be appointed in accordance with subsection 25 (1) of the Act, which requires a resolution approved by at least two-thirds of the members of the board, for a term of at least two (2) years. The CRO may be reappointed.

2) The CRO may only be removed from office in accordance with subsection 25 (2) of the Act, which requires a resolution approved by at least two-thirds of the members of the Board. The Board shall advise the Minister of any action it proposes to take under this provision.

9.2 Duties and Responsibilities

1) As set out in section 88 of the Act, the CRO is required to review certain of the Registrar's decisions with respect to complaints relating to an alleged contravention of a requirement under the Act.

2) The CRO shall not at any time accept or engage in any of the following duties, except as required under the Act or any other legislation or by a court order:

   a) report or comment on any finding of liability or fact or on any investigation, whether initiated by the RHRA or another enforcement body, any legal proceeding, or reasonably foreseeable legal proceeding involving the RHRA or the Minister;

   b) report or comment on a report or activity of the RO; or

   c) accept any statutory, regulatory, administrative or enforcement responsibilities of the RHRA other than those assigned to it in accordance with the Act.

10. Corporate Reporting

1) The RHRA shall:

   a) each year, provide the Minister with a business plan (as described in Schedule "E") for the forthcoming year, in a format acceptable to the Minister, no later than thirty (30) days before the end of the current fiscal year;

   b) each year, provide the Minister with an annual report for the preceding year (as described in Schedule "E") in a format acceptable to the Minister, no later than one hundred and twenty (120) days after the end of its

previous fiscal year; and

c) enable the Minister to review and comment on the documents referred to in clauses (a) and (b) within a reasonable time period, estimated to be approximately thirty (30) days from the receipt of the documents, under normal circumstances, and prior to final approval of the Board.

2) The RHRA's business plan shall set out a summary of the activities it will undertake to make its goods, services and facilities accessible in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005,* and any relevant additional accessibility-related activities. The RHRA's annual report shall include a summary of how these accessibility-related activities were provided.

3) The RHRA's business plan shall set out the means by which services related to the administration of the Act are provided in French in accordance with section 110 of the Act and the RHRA's annual report shall account for how these French language services were provided.

4) The RHRA's business plan shall set out the means by which complaints received by the RHRA related to the administration of the Act are managed and resolved and the RHRA's annual report shall account for how these complaints were responded to and resolved.

5) The RHRA:

a) shall make the business plan referred to in clause (1)(a) available to the public, including by posting on the RHRA's website, no later than thirty (30) days after final approval of the Board; and

b) shall publish the annual report referred to in clause (1)(b) to the RHRA's website and by any other method the Minister requires no later than ninety (90) days after the annual report receives final approval of the Board.

6) The RHRA shall conduct a satisfaction/value survey of all or a sampling of its residents, licensees and stakeholders, at least once every three years. The satisfaction/value survey may be facilitated by an independent third party. The RHRA shall share a summary of the survey results with the Minister. The RHRA's annual report and website shall also include a synopsis of the results of the satisfaction/value survey, as conducted.

7) The RHRA shall have a risk management framework and risk management plan for managing risks that the RHRA may encounter in meeting its program

and regulatory oversight objectives as described in Schedule “E”.

8) The RHRA shall establish performance measures regarding the administration of the Act, subject to the approval of the Minister. This stable set of performance measures will reflect the regulated sector and enable a year-to-year comparison. Where a year-to-year comparison is not possible because of a change in performance measures, the RHRA shall give the Minister sufficient information to enable a proximate comparison of the changed performance measure.

9) The RHRA shall provide the Minister with performance targets and results for the performance measures approved by the Minister in subsection (8) on an annual basis and upon request by the Minister. Where the RHRA does not meet any one or more of its performance targets, the RHRA shall identify any variance from the target and provide a written rationale to the Minister.

11. Regulatory Governance

1) The Board shall be responsible for carrying out the following regulatory governance functions:

   a) reviewing the adequacy and effectiveness of the RHRA’s risk-based licensing, enforcement and resident protection framework, to ensure compliance with the Act;

   b) reviewing implementation of and reporting on the enforcement of the Act, as well as the operations of the risk-based resident protection framework; and

   c) providing strategic advice to the Minister on potential or proposed legislative or regulatory changes.

12. Financial Arrangements

1) The RHRA shall ensure that it has adequate resources to comply with this MOU and the Act consistent with the business plan that it has provided to the Minister under clause 10(1)(a) of this MOU.

2) The RHRA acknowledges it cannot collect or retain any fines imposed by a court further to proceedings taken by the RHRA under the *Provincial Offences Act*.

3) The RHRA may set and charge fees, costs and other charges related to its

administration of the Act, subject to any limitations imposed by the Act, in accordance with the process and criteria approved by the Minister, as set out in the attached Schedule “F”.

4) The RHRA shall make publicly available, including by posting on its website,

   a) its fees, costs and other charges,

   b) the process and criteria by which its fees, costs and other charges are established, and

   c) any rules governing the payment of its fees, costs and other charges.

5) The RHRA agrees to pay to the Minister any amounts as may be set out in Schedule “G”. The RHRA agrees to pay these amounts on a timely basis and on the terms and in the manner set out in Schedule “G”.

6) Any payments by the RHRA to the Minister shall be made payable to the Minister of Finance, drawn on the account of the RHRA and paid on a timely basis and on the terms as set out in the attached Schedule “G”.

7) The Minister will charge interest on any late payments on the terms set out in the attached Schedule “G”.

8) The RHRA shall report to the Minister at the earliest opportunity if there is any reason for concern about the financial state of the RHRA.

9) The RHRA shall make the salaries of Board members public.

13. Records, Privacy and Access

1) To the extent permissible by law, all records obtained from any source, created, or maintained by the RHRA in the course of carrying out its administration of the Act are the property of the RHRA and the RHRA is the sole owner and custodian of such records and may use them for its legitimate purposes in the administration of the Act.

2) All records that are the property of the RHRA shall be maintained in keeping with the records retention and destruction schedules established by the RHRA.

3) Subject to sections 113 and 114 of the Act, any regulation made under section 22.1 of the Act, and the *Personal Health Information and Protection Act, 2004,* the RHRA shall have an access and privacy code addressing

issues of access to its records, protection of personal information and personal health information, and effective procedural rights and remedies. This code shall protect privacy and, to the extent permitted by the Act and any other legislation, provide access to information in possession of the RHRA in accordance with the principles of the *Freedom of Information and Protection of Privacy Act* and provide an effective procedure in support of these principles. Upon approval by the Minister, the code shall be attached to this MOU as Schedule "H".

4) The RHRA shall comply with the access and privacy code referred to in subsection (3), and shall make the code available to the public, including by posting on the RHRA's website.

5) The RHRA shall obtain the Minister's approval of any changes to the access and privacy code.

14. Litigation

1) The following provisions address any litigation arising after or as a result of the establishment of the RHRA under the Act.

2) Civil and administrative litigation, including inquests, related to the Act in which the Crown is a defendant or an interested party, as a result of any alleged act or omission of the RHRA in its administration of the Act shall be defended or otherwise carried out by the RHRA (with full right and power to choose legal counsel and with full right and power to reach a settlement which binds the RHRA and, with the Crown's consent, binds the Crown), unless the parties expressly agree otherwise. The RHRA shall be responsible for all costs of the litigation and for the payment of any settlement costs agreed to and payable by it and any damages awarded against it, as a result of any act, omission or fault of the RHRA subject to an order of the court or agreement between the parties. The parties agree that the Crown reserves the right to defend or otherwise carry out any such litigation on its own behalf and at its own cost in respect of its own interest where it determines that it has an independent interest in the litigation.

3) Any proceedings, and any civil, criminal or administrative litigation, including inquests, not related to the RHRA's administration of the Act, in which the Crown is a defendant or an interested party, arising from or in any way connected with any activity undertaken by, or alleged act or omission of the RHRA, shall be defended or otherwise carried out by the RHRA. The RHRA shall be responsible for all costs of the proceedings or litigation and for the

payment of any settlement costs agreed to and payable by it and any damages awarded against it. The parties agree that the Crown reserves its right to defend or otherwise carry out any such proceedings or litigation on its own behalf and at its own cost where it determines that it has an independent interest in the proceedings or litigation.

4) The Minister or the Crown shall cooperate with the RHRA for the purpose of the RHRA's defence or other participation in the litigation referred to in subsections (2) and (3) of this Article including providing documentation or information and providing witnesses in such litigation, where appropriate.

5) The RHRA shall carry out all prosecutions related to the Act on its own behalf and in its own name, all in accordance with, pursuant to and in furtherance of the obligations of the RHRA to administer the Act. The RHRA shall develop policies for the conduct of prosecutions that accord with the principles set out in any Ministry of the Attorney General prosecution-related policies, guidelines, codes or similar documents provided to it by the Minister. In carrying out prosecutions related to the Act, the RHRA shall conduct prosecutions in the public interest and in a manner consistent with such policies.

6) The Minister shall keep the RHRA informed of any litigation by or against the Crown or in which the Crown is an interested party that may affect the interests of the RHRA.

7) The RHRA shall keep the Minister informed of any litigation by or against the RHRA or in which the RHRA is an interested party that may affect the interests of the Crown.

15. Indemnification

1) The RHRA acknowledges that, pursuant to subsection 30(2) of the Act, it is required to indemnify the Crown, and hereby does agree to indemnify the Crown, in respect of damages and costs incurred by the Crown for any act or omission of the RHRA or its officers, directors, inspectors, investigators, employees or agents in carrying out the administration of the Act, the regulations, a Minister's order or the MOU; or in the execution or intended execution of its powers and duties under the Act, the regulations a Minister's order or the MOU.

2) This indemnification survives termination of this MOU for the maximum period permitted by law or contract.

16. Insurance

1) The RHRA shall take all reasonable steps to protect itself from and against all claims which might arise from the carrying out of the administration of the Act and the exercise or performance of its duties under the Act by the RHRA, its directors, inspectors, investigators, appointees, officers, employees and agents. The RHRA shall at all times maintain, at its own cost and expense, adequate insurance against liability arising out of the RHRA's carrying out of the administration of the Act and the exercise or performance of its duties or powers under the Act and this MOU, including but not limited to commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than twenty-five (25) million dollars per occurrence, and products and completed operations in the amount of not less than twenty-five (25) million dollars in the aggregate. The policy is to include the following:

   a) Her Majesty the Queen in Right of Ontario as represented by the Minister as an additional insured with respect to liability arising in the course of performance of the RHRA's obligations under, or otherwise in connection with, the Act;

   b) cross-liability clause;

   c) thirty (30) day written notice of cancellation, termination or material change; and,

   d) non-owned automobile coverage with blanket contractual coverage for hired automobiles.

2) The RHRA shall provide the Minister with certificates of insurance or other proof as may be requested by the Minister, that confirms all of the insurance coverage as provided for in subsection (1), and renewal replacements on or before the expiry of any such insurance.

3) If the Crown imposes an obligation on the RHRA by obtaining the enactment of legislation, making a regulatory change or otherwise, which gives rise to exposure to liability on the part of the RHRA for which the RHRA cannot reasonably obtain appropriate liability insurance, the RHRA shall provide immediate notice to the Minister in writing of the uninsured risk and subject to government approvals that may be required, if any, the RHRA and the Minister shall identify appropriate measures to resolve the issue to the satisfaction of both parties. Where government approval is required, the

Minister shall make reasonable efforts to obtain the necessary approvals.

17. Non-Regulatory Business

1) Clause 16 (e) of the Act provides the Minister with the authority to assign other duties or powers to the RHRA, such as the ability to enter into non-regulatory business arrangements. Any additional duties or powers approved by the Minister are outlined in Schedule “A”.

2) The RHRA shall only enter into non-regulatory business arrangements that promote the protection of the public interest and enhance the protection of residents, consumers and the public. For this purpose, if the Minister authorizes the RHRA under clause 16(e) of the Act to undertake any non-regulatory business, the RHRA shall comply with the principles set out in the Non-Regulatory Business Policy set out in Schedule “I”.

18. Code of Conduct for Compliance Personnel

1) The RHRA shall develop a code of conduct for its compliance personnel relating to the RHRA’s compliance and enforcement responsibilities under the Act and any other legislation that is in keeping with the spirit and principles of the most recent Ontario Public Service Regulators’ Code of Practice.

2) The RHRA shall provide its code of conduct to the Minister, as it is updated from time to time, make it available to the public, and post the code on the RHRA’s website.

19. Administrator

1) The parties recognize that the Minister has the power under section 32 of the Act to appoint an administrator of the Authority for the purpose of assuming control of the RHRA and responsibility for its activities if the Minister considers it in the public interest to do so. The Minister shall give the Board at least 14 days written notice before appointing the administrator unless there are not enough directors on the Board to form a quorum.

2) The RHRA shall cooperate with an Administrator appointed by the Minister under section 32 of the Act.

20. Dispute Resolution

The parties agree to use reasonable efforts to resolve any disputes that may arise out of or in connection with this MOU or the administration of the Act.

21. Communications and Information Sharing

1) Each of the parties shall designate an individual who will be the primary contact for all issues and communications related to this MOU, the Act and the administration of the Act.

2) The parties shall develop procedures for the sharing of information and the resolution of issues that may arise during the course of the RHRA's administration of the Act. Upon approval by the Minister, such procedures shall be attached to the MOU as Schedule "B".

22. Reviews and Audits

1) The RHRA acknowledges that pursuant to section 19.2 of the Act, the Minister may require that:

   a) policy, legislative or regulatory reviews related to the Act or this MOU be carried out, and

   b) reviews of the RHRA, its operations, or both, including performance, governance, accountability and financial reviews, be carried out.

2) If the Minister requires a review mentioned in subsection 22(1) of this MOU, the RHRA may provide suggestions to support the review process for the Minister to consider.

3) If the Minister requires the RHRA or a person on behalf of the RHRA to carry out a review mentioned in subsection 22(1) of this MOU, the RHRA shall share the results of any reviews with the Minister.

4) If the Minister specifies another person or entity to carry out a review mentioned in subsection 22(1) of this MOU, the Minister shall ensure that the person or entity consults with the RHRA as appropriate during any such review.

5) Pursuant to section 31.1 of the Act, the Auditor General appointed under the *Auditor General Act* may conduct an audit of the RHRA other than an audit required under the *Not-for-Profit Corporations Act, 2010*.

6) Upon the Auditor General conducting an audit under the Act, the RHRA shall provide the Auditor General and its employees access to all records and any information required to conduct the audit, as may be requested by the Auditor General.

7) The RHRA shall forthwith notify the Minister upon receiving notice from the Auditor General of an audit to be conducted on the RHRA.

8) The RHRA shall cooperate in any review or audit required by the Minister or the Auditor General.

23. Crown Agency Status

The RHRA, the members, directors and officers of the RHRA, the inspectors and the other persons employed, retained or appointed by the RHRA are not agents of the Crown.

24. Conflict

In the event of a conflict between the provisions of this MOU and the Act, or a Minister's order made under the Act and this MOU, the Act or the Minister's order, as the case may be, prevails.

25. Amendment and Review of MOU

1) Subject to subsection 18(3) of the Act, the terms of this MOU may only be added to, deleted, varied or amended with the consent of both parties. Such amendments shall be in writing, dated, and signed by both parties and attached to this MOU.

2) The parties shall amend this MOU as required to accommodate any changes to the Act.

3) Pursuant to subsection 18(3) of the Act, prior to any Minister's amendments to this MOU, the Minister shall give such notice to the RHRA as the Minister considers reasonable in the circumstances. The Minister shall provide the RHRA with a time period that the Minister considers reasonable for the RHRA to comply with the amendments.

4) Upon a change in the Minister or Chair of the Board, the new Minister or new Chair, as the case may be, must, within six months of the change, send a letter to the other party affirming their awareness of the MOU in order to facilitate compliance with the requirements of the MOU.

5) The parties shall conduct a review of this MOU within five (5) years of execution to ensure it is current. Despite the foregoing, either party may initiate a review of the MOU when advisable in the public interest upon giving notice in writing to the other.

26. Public Document

The parties agree that this MOU shall be made available to the public by either party upon request to that party by any member of the public. The RHRA shall post this MOU on its website within thirty (30) days of the effective date of this MOU and thirty (30) days of execution of any amendments thereafter.

27. Entire MOU

1) The Minister and the RHRA agree that this MOU, as amended from time to time in accordance with section 25 of this MOU, forms the entire MOU between the parties and, subject to Schedule "J", supersedes any prior understanding or agreement, collateral, oral or otherwise, existing between the parties at the date of execution of this MOU.

2) The schedules attached to this MOU in Appendix "A" continue in full force and effect until updated and added to the MOU as a schedule to it.

28. Effective Date

Subject to Schedule "J", this MOU comes into effect on the later date of execution by the parties and will supersede and replace any prior MOUs made between the parties.

IN WITNESS WHEREOF the parties hereto have executed this MOU.

Retirement Homes Regulatory Authority

Chair of the Board

Date: March 31, 2022

Her Majesty the Queen in right of Ontario

Minister for Seniors and Accessibility

Date: March 31, 2022

SCHEDULE "A" – SUMMARY ADDITIONAL DUTIES OR POWERS OF THE CORPORATION

RETIREMENT HOMES REGULATORY AUTHORITY

There are currently no additional duties or powers.

Retirement Homes Regulatory Authority

Chair of the Board

Date: March 31, 2022

Her Majesty the Queen in right of Ontario

Minister for Seniors and Accessibility

Date: March 31, 2022

SCHEDULE "B" – INFORMATION SHARING PROTOCOL

RETIREMENT HOMES REGULATORY AUTHORITY

This Schedule outlines information sharing protocols recognizing that the Retirement Homes Regulatory Authority (RHRA) shall respond in an expeditious manner to all requests made by the Minister[1], including requests in respect of:

1) the governance of the RHRA;
2) the administration of the Act by the RHRA; or
3) the MOU.

This Schedule outlines information sharing protocols not already specified in the MOU or other schedules to the MOU.

Unless specifically outlined in this Schedule, when making information requests of the RHRA, the Ministry for Seniors and Accessibility (Ministry) shall inform the RHRA of the timeframe in which the information is needed.

Prior to any personal information or personal health information being shared, the Ministry and the RHRA will confirm how it will be used, that there is legal authority to share it, that any notice requirements have been addressed, as well as the method for sharing, securing and disposing of the personal information. For this purpose, “personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*, and “personal health information” has the same meaning as in the *Personal Health Information Protection Act, 2004*.

To facilitate information sharing, the RHRA and the Ministry will seek to achieve a “one-window” policy with the RHRA and the Ministry’s Policy, Programs and Strategic Partnerships Division (PPSPD), unless otherwise specified by the Ministry, being the access points.

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[1] This is a schedule to the MOU between the Minister for Seniors and Accessibility and the RHRA, and the responsibilities and obligations set out in both the MOU and this schedule reside with those entities respectively. As per subsection 1 3) of the MOU, the powers and responsibilities of the Minister set out in the MOU may be exercised by the Minister and, when authorized, by another authorized official of the Ministry. For practical purposes, the Ministry for Seniors and Accessibility (Ministry) or Policy, Program and Strategic Partnerships Division (PPSPD) is used hereinafter instead of Minister when referring to the entity with which the RHRA shall work to carry out this protocol.

In addition, the RHRA and PPSPD shall make reasonable efforts to meet at least quarterly to discuss current issues, needs and other matters necessary for the proper administration of this Schedule.

Description	Responsibility	
	Ministry	**RHRA**
General		
Information requests made by the Ministry to the RHRA, including data collection	The Ministry shall make reasonable efforts to share with the RHRA the context in which the request for information is being made. When making information requests that require the collection of new data from the sector, the Ministry shall consider RHRA collection and reporting schedules and internal procedures in order to mitigate the administrative impact on retirement homes and the RHRA. PPSPD will give notice of these requests to the RHRA where possible.	The RHRA shall respond in an expeditious manner to all requests made by the Ministry.
Changes to existing and new government directives applicable to the RHRA, and directives, advice, guidance, and recommendations applicable to retirement homes under subsection 27(5) of O. Reg. 166/11	PPSPD will share changes to existing directives or new directives that are applicable to the RHRA. PPSPD will give notice to the RHRA where possible.	

Description	Responsibility	
	Ministry	**RHRA**
Cabinet Submissions		
All Issues	PPSPD will develop Cabinet submissions, as required, in cooperation with other Ministry divisions.	The RHRA is consulted where appropriate.
Correspondence		
The Ministry and the RHRA will work together to draft responses whenever possible, in a timely fashion, respecting that PPSPD is required to respond to all correspondence within five (5) business days.		
On all subjects directed to the Minister/Ministry	PPSPD will: • action to the RHRA; or • draft a reply indicating referral to the RHRA for direct response; or • draft a reply.	The RHRA will: • respond directly under RHRA's signature and copy PPSPD as appropriate; or • supply PPSPD with information required for the Minister/Ministry to reply.
Briefing Notes		
For Minister/Ministry meetings with the RHRA's stakeholders	PPSPD will coordinate preparation of meeting materials and make reasonable efforts to notify the RHRA of any such meetings and discuss with RHRA.	The RHRA will provide PPSPD with relevant information on stakeholders/issues.
For the RHRA's meetings with Ministry stakeholders (e.g. other ministries or agencies)	PPSPD will provide RHRA with relevant information on stakeholders/issues, if appropriate.	The RHRA will make reasonable efforts to notify PPSPD of the meeting, discuss outcomes with PPSPD and provide a briefing note upon request.
Issue Notes		
The Ministry and the RHRA will work together to issue responses in a timely fashion respecting the requirement to respond to all requests for issue notes within specific timeframes (i.e. short notice or outside of regular business hours) as requested by PPSPD.		

Description	Responsibility	
	Ministry	**RHRA**
On any subject (designed for use in the Legislature)	The Ministry will prepare the issue note and provide it to the Ministry's Communications Branch. Requests for information made to the RHRA to develop the issue note will be accompanied by a timeline for response.	The RHRA will provide information to PPSPD within timeframe specified.
Issues Management		
Serious incidents (e.g. abuse or neglect, accidents and fatalities)	When the Ministry is informed by the RHRA or through media reports, PPSPD will provide key information to the Ministry's Communications Branch as quickly as possible, including by referring to the Serious Incident Protocol, and monitor for updates.	The RHRA will inform PPSPD about serious incidents and provide relevant details, key messages and a response strategy, including by referring to the Serious Incident Protocol.
Other possible contentious issues (e.g. stakeholder grievances/ concerns, etc.)	PPSPD will inform the Ministry's Communications Branch, providing relevant details, key messages and response strategy.	The RHRA will, in accordance with the Serious Incident Protocol, inform PPSPD and provide relevant details, key messages and response strategy.
Media Relations		
Requests made to the Ministry/Minister for interviews and background material on the RHRA's operational issues	The Ministry's Communications Branch will notify PPSPD, who will then, as appropriate, refer the request to the RHRA or obtain the required information from the RHRA.	The RHRA will provide the required information or, if requested by the Ministry/Minister, respond directly to the media request and advise PPSPD of the outcome from the media engagement.

Description	Responsibility	
	Ministry	**RHRA**
Media releases issued by the RHRA	PPSPD will share a copy of the RHRA's media release with the Ministry's Communications Branch for information and review.	The RHRA will prepare and share a copy of its media release with PPSPD and the Ministry's Communications Branch five to seven days in advance or at its earliest opportunity and before the release is issued to media. The RHRA will request the Ministry's review if required under its agreed upon media protocol with the Ministry.
Speeches/Speaking Notes		
All Minister speeches/speaking notes (any topic)	Ministry's Communications Branch will prepare, and PPSPD will advise the RHRA.	The RHRA will supply PPSPD with information.
Performance Measures and Quarterly Reports		
Metrics and performance measure results	The Ministry may request metrics and performance measure results from the RHRA from time to time.	The RHRA will supply the Ministry with metrics and performance measure results, as available, at the time of request or when the RHRA determines there is a risk that it will not achieve its target performance measure.
Quarterly reports of RHRA operating information (e.g. licensing, inspections)	The Ministry and RHRA will work collaboratively to identify the key operating information that is required and relevant at the start of each fiscal year.	RHRA will provide the quarterly reports of key operating information within 30-45 days of the end of each quarter.

Description	Responsibility	
	Ministry	**RHRA**
Marketing / Public Relations Events		
Collaboration on Marketing / Public Relations Events	PPSPD and the Ministry's Communications Branch will work collaboratively with the RHRA to: • plan and develop joint marketing and public relations events between the Minister/Ministry and the RHRA; and • obtain information on the RHRA specific events, industry events to be attended by the RHRA, communications research and best practices. PPSPD will be the lead in contacting the RHRA about joint / collaborative communications activities, respecting the one-window approach. However, the Ministry's Communications Branch may follow up directly with the RHRA while keeping PPSPD fully informed of discussions and planned activities.	The RHRA will work collaboratively with PPSPD and the Ministry's Communications Branch to: • plan and develop joint marketing and public relations events between the RHRA and the Minister/Ministry; and • provide information on the RHRA specific events and, industry events to be attended by the RHRA, communications research and best practices. The RHRA will initially contact PPSPD about joint / collaborative communications activities, respecting the one-window approach. However, the RHRA may subsequently follow up directly with the Ministry's Communications Branch, while keeping PPSPD fully informed of discussions and planned activities.
Other		
Information concerning Board member competencies	The Ministry will make requests to the RHRA for information as and when required.	The RHRA shall provide to the Ministry at least once annually, and as requested, the Board's skills profile.

Description	Responsibility	
	Ministry	RHRA
Information concerning communications campaigns/initiatives undertaken by the RHRA	The Ministry will make requests to the RHRA for information regarding planned communications campaigns/initiatives, including public education campaigns.	RHRA will provide information on key planned and undertaken communications campaigns/initiatives to PPSPD on a quarterly basis and upon request.

Retirement Homes Regulatory Authority

Chair of the Board

Date: May 5, 2023

His Majesty the King in right of Ontario

Minister for Seniors and Accessibility

Date: May 15, 2023

SCHEDULE "C" – COMPETENCY AND SELECTION CRITERIA FOR MEMBERS OF THE BOARD OF DIRECTORS

RETIREMENT HOMES REGULATORY AUTHORITY

The RHRA Board is comprised of nine (9) Board members. Four (4) members are appointed by the Lieutenant Governor in Council and five (5) members are elected.

The Competency and Selection Criteria for Members of the Board of Directors will be reviewed at least every five years to ensure that it reflects the current needs of the Board. All Board members shall meet the following competency criteria:

- As a basic prerequisite, each Board member shall be an individual who is not less than 18 years of age, has the power under law to contract, has not been found by a court in Canada or elsewhere to be mentally incompetent and does not have the status of bankrupt.
- Each Board member shall possess general competencies and interpersonal skills for effective participation as a contributing Board member (such as collaboration, completing tasks in a timely manner, building consensus, etc.).

Each Board member brings unique skills and experience to the Board. In selecting new Board members, attention will be given to ensuring that the collective mix of skills and experience supports the Board's ability to add strategic value to the RHRA.

In addition, reasonable efforts shall be made to reflect a variety of perspectives, including consumer/resident protection and public interest perspectives. The Board recognizes the importance of having a diversity of backgrounds from both within and outside the retirement home sector.

Collectively, Board members should:

- possess a positive orientation for consumer protection initiatives.
- provide strong participation that strives for excellence and supports consensus building.
- be strategic thinkers who take a governance-focused approach to Board responsibilities.
- demonstrate a willingness to proactively support the RHRA's mandate, vision and values.

The Minister-appointed Board members may include representatives of the public,

consumer groups, businesses, government organizations and representatives of other interests as the Minister determines.

Equity, Diversity and Inclusion (EDI):

RHRA is committed to equity, diversity, inclusion and continues to work to maintain a diverse Board. RHRA values the unique skills and experience (professional and lived) that each Director brings to the Board. In selecting new Board members, attention shall be given to conducting outreach to non-traditional channels to recruit potential Directors.

The RHRA Board will strive to reflect the diversity of Ontario, including but not limited to:

- Geographic distribution
- Race/Ethnicity
- Gender
- Age
- Disability
- 2SLGBTQIA+ (Two Spirit, Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual plus)

RHRA Board – Key Experience Areas			
	Competency	**Definition**	**Elements -** *How the competency is demonstrated for effective performance in the position.*
Governance	**Board Experience**	Experience overseeing and directing a corporation by supervising and contributing to executive management.	• Leverages knowledge and experience to build a modern, sustainable authority. • Understands and has experience in the broader public sector context as it relates to overseeing policy, budget, and resource allocations. • Uses knowledge to ensure compliance with requirements set out in all pertinent legislation and governing documents. • Experience with concepts and practices related to Board governance, particularly in the public sector. • Knowledge of tools and methodologies to monitor and develop the performance of the organization and CEO.

RHRA Board – Key Experience Areas			
	Competency	**Definition**	**Elements -** *How the competency is demonstrated for effective performance in the position.*
	Financial Acumen	Experience or knowledge regarding audit, finances, accounting, enterprise risk management, investments, and compliance requirements.	• Understands financial statements and financial performance and can identify operational and/or financial implications and key factors driving results. • Understands internal controls required within an organization. • Familiarity with financial information preparation and experience with audit processes, including acting as part of an Audit Committee.
	Information Technology	Experience or knowledge regarding information technology as a support to business processes.	• Expertise in information technology including cybersecurity and privacy protection. • Knowledge and experience in digital and social media. • Knowledge of current and emerging technologies, including latest developments in artificial intelligence, machine learning and data analytics.
	System Thinking & Risk Assessment	Experience in the process of assessing risk and acting in such a manner, or prescribing policies and procedures, so as to avoid risk or minimize loss associated with such risk.	• Experience operating in complex environments with demonstrated understanding of key issues and levels of change. • Demonstrated knowledge and experience with enterprise risk management programs and processes. • Able to identify appropriate controls and processes for assessing and managing risk, tabling items of concern for consideration by the Board. • Balances risk mitigation appropriately with effective decision making and direction setting.
	Strategic Direction and Planning	Experience in the development and execution of strategic and business plans. This includes understanding stakeholder needs and how they relate to organizational priorities and investments and using appropriate metrics to track progress.	• Extensive experience in the review of strategic and business plans. • Expertise in one or more of the functional areas of organizational management (e.g., legal; HR/compensation; finance, IT). • Understanding of various stakeholder perspectives and ability to identify how to incorporate and shape organizational priorities to include those perspectives. • Knowledge and understanding of the strategic planning process and contribute to the development of the strategic direction, core values and the strategic goals and objectives of the organization.
Regulatory	**Regulatory**	Direct regulatory	• Experience in directing the affairs of a

RHRA Board – Key Experience Areas			
	Competency	**Definition**	**Elements -** *How the competency is demonstrated for effective performance in the position.*
	Governance	experience and/or experience in overseeing a regulator including rulemaking, communication of rules, monitoring, enforcement, adjudication, sanctions, and evaluation.	regulatory organization in keeping with its mandate, governing statutes and in accordance with its business plan. • Experience directing the development of annual reports that report on the organization's performance in a transparent and useful manner to relevant stakeholders. • Understands when to inform the Minister / Ministry of issues and initiatives impacting the RHRA's mandate and its stakeholder community. • Understands legislative process and requirements to amend legislation and/regulation. • Supports the development of RHRA management by providing oversight and advice on issues unique to regulators. • Has knowledge of, and a commitment to, sound regulatory practices.
	Stakeholder Relations	Experience in enhancing relationships and aligning persons or organizations with strategic objectives. Able to incorporate and/or manage stakeholders' views/expectations when setting priorities for the organization as a whole.	• Able to keep the views of end consumers in focus when setting organizational direction. • Demonstrated ability to be informed and involved with community groups or associations, actively contributing to their functioning. • Experience balancing competing interests and acting in difficult situations with tact and diplomacy where groups with competing interests converge.
	Healthcare & Social Systems Knowledge	Demonstrated knowledge of relevant health and social issues with the ability to think strategically to plan and solve core issues over the long term.	• Understands relevant health and social components that impact seniors' housing and care. • Uses broad knowledge of these sectors to strategize on how to leverage other relevant institutions, agencies, initiatives to support the goals of RHRA. • Understands the complex interrelationships among various health and social initiatives, associations, and regulatory bodies and can identify overlaps; gaps; and opportunities (e.g., partnerships; alternate delivery methods) to the Board for maximizing the impact of the RHRA.

RHRA Board – Key Experience Areas			
	Competency	**Definition**	**Elements -** *How the competency is demonstrated for effective performance in the position.*
			• Knowledgeable of policies and practices of various institutions/initiatives in social or health sectors that can inform Board discussion and strategy.
	Retirement Homes Industry Knowledge	General knowledge of the retirement home industry.	• Experience operating or overseeing the operation of a retirement home(s). • Familiar with trends in the retirement home sector including business practices and resident needs. • Experience working with or in the retirement homes sector as a health care professional, caregiver, or community partner.
Minimum Standards	**Independence**	The capacity to think and act in the best interests of RHRA, and in the public interest.	• Able to maintain judgment and fulfill the fiduciary duty to the RHRA, ensuring that the RHRA remains financially self-sustaining and focused on consumer protection as the core driver of decision-making. • Capable of bringing forward different points of view to Board discussions ensuring rigor in debate and decision-making. • Maintaining independence of character and thought regardless of the member's specific background and experience.
	Competence	Having sufficient skills, experience, and character to provide leadership and governance to the organization.	• Accumulated robust and diverse experience during one's career that is relevant to developing the desired attributes for Board members. • Knowledge and experience to facilitate effective assessment of information presented by management and stakeholders. • Able to positively contribute to Board debate through keen observation and insight, confidently challenging other Board members while positively contributing to a culture of mutual respect and collaboration.
All Directors	**Communication Skills**	Ability to gather facts and pertinent information to gain understanding before drawing conclusions or taking action. It involves active listening to	• Able to understand and respond to issues regardless of how they are presented including through actions, unstated interests and pressures and emotions as well as stated positions or evidence. • Practices active listening to comprehend interests as well as positions.

RHRA Board – Key Experience Areas			
	Competency	**Definition**	**Elements -** *How the competency is demonstrated for effective performance in the position.*
		enhance understanding and accurately assess situations to help resolve issues. It also includes the ability to clearly articulate one's own views in a constructive and meaningful manner in both written and oral communication.	• Employs effective questioning to elicit further information or gain greater understanding or clarity. • Assimilates multiple sources of information to make informed decisions that effectively uncover and address the issues. • Understands the impact of one's own actions and emotions, demonstrating self-control and focus in situations of tension. • Values diversity of opinions and perspectives. Seeks consensus.
	Informed / Business & Professional Judgment	Professional judgment is the exercise of critical thinking, analysis and assessment of implications, identification of patterns, making connections of underlying issues, and the ownership of the outcome. Effectively exercised, it leads to fair, efficient processes and brings clarity and resolution to complex and ambiguous situations or issues.	• Uses professional experience to make assessments of facts, data, credibility and situations. • Applies professional knowledge to analyze issues, clarify positions and determine workable options or reach reasoned decisions. • Facilitates open dialogue such that underlying issues and interests are revealed. • Employs optimal timing and circumstances for either refraining from or making a decision. • Decisions are made to ensure the proper and expeditious conduct, control and oversight of RHRA activities. • Identifies and engages in continuous development opportunities to update skills and experience required on the board.
	Integrity / Ethics / Values & Accountability	Integrity / ethics / values is the willingness to hold oneself and others accountable for acting in ways, both privately and publicly, that are consistent with stated values, principles and professional standards.	• Sets the ethical tone and values of the RHRA in internal and external interactions and encourages others to act ethically and in keeping with RHRA values. • Actions are guided in the best interests of the RHRA and the public. • Acts based on values even when cost or risk is at stake. • Has developed personal and professional credibility to the degree that the RHRA's values and standards are evident. • Facilitates and encourages openness and honesty even when it is difficult for others to do so.

RHRA Board – Key Experience Areas			
	Competency	**Definition**	**Elements -** *How the competency is demonstrated for effective performance in the position.*
			• Emphasizes the importance and impact of integrity and ethics to the roles and responsibilities of the RHRA. • Supports, respects, and promotes the principles of equity, diversity and inclusion. Stands by and accounts for RHRA decisions that are consistent with relevant law and evidence even if they are unpopular or controversial.
	Decision Making	Involves independent analysis of data and evidence as well as reasoned thinking and application of relevant law.	• Weighs all submissions thoroughly. • Issues clear decisions that reflect a thorough analysis of the issues, and balances perspectives and details reasons. • Decides independently but knows when it is appropriate to consult the opinions and advice of others. • Clearly articulates views and defends positions on complicated and controversial issues. • Contributes to making decisions in a timely manner. • Participates in robust and generative discussions.
	Partnership / Relationship Building	Partnership / relationship building is working cooperatively with all stakeholders to solve common issues, meet mutual goals and build synergies. It includes leveraging existing relationships building an effective network of existing contacts or new partnerships. It also involves an awareness that a mutual	**Generally** • Understands when and how to involve the right group of stakeholders, government officials, interested parties and partners. **Internally** o Builds a collegial environment among members where learning and sharing are the norm. o Promotes understanding and tolerance of other points of view by encouraging discussion of different perspectives. o Creates positive and open relationships with the CEO and staff to ensure that RHRA staff is involved in plans and functions as a cohesive, professional group. **Externally** o Is proactively involved with partners (may include other agencies, other ministries / divisions, professional groups, peers, etc.) and stakeholders to enhance and build informal and formal relationships to share

RHRA Board – Key Experience Areas			
	Competency	**Definition**	**Elements -** *How the competency is demonstrated for effective performance in the position.*
		interest- based relationship that operates on trust forms the foundation for success in delivering results.	experience, create synergies or discuss common issues and solutions. ○ Engages in the activities of professional associations, sector associations, and federal and provincial counterparts. ○ Proactively liaises with stakeholders to identify opportunities to build or mend relationships or seek resolution to issues. ○ Creates an environment of trust, where stakeholders understand that they can bring issues to the Board and matters will be handled in a professional manner with competence and tact.
Chair & Vice Chair	**Leadership**	Leadership involves approaching initiatives from a strategic perspective, championing new initiatives and working towards their achievement to deliver quality services to the public. It is expressed by inspiring, motivating, and leading others, guiding the organization by linking long-range vision and concepts to daily work. It involves clear and transparent communication of internal and external issues and the strategies used to address them.	• Articulates the vision and oversees the implementation of plans, monitors key programs for quality. • Inspires confidence in staff, stakeholders, the authority community and government, and ensures they are aware of the strategic framework (vision, mission and goals) of the RHRA. • The strategic direction considers policy, human and financial resource implications. • Demonstrates active leadership by ensuring quality control of key RHRA programs and practices. • The RHRA is seen to be a centre of expertise in its field. Decisions are clear and effectively resolve issues. • Acts as a spokesperson for the Board in official “on the record” role.
	Impact / Influence	Impact / influence is the ability to persuade or convince others to adopt a specific course of action impacting plans,	• Uses strategies to anticipate, identify and respond effectively to different points of view to build support and agreement. • Builds informal and formal support for ideas. Uses expert facilitation and knowledge of group process and individual preferences to lead

RHRA Board – Key Experience Areas			
	Competency	**Definition**	**Elements -** *How the competency is demonstrated for effective performance in the position.*
		processes, practices and people. It involves leading by positive example, setting high standards and charting a clear and steady course. It also involves the use of effective facilitation skills to achieve desired results in sometimes high-impact, high-risk and complex situations.	discussions. **Internally** ○ Sets and monitors realistic but challenging performance measures. ○ Protects independence in RHRA decision-making by setting processes to handle complaints and communicating standards of interaction and a code of ethical conduct for Board members. **Externally** ○ Has a profile within the regulated sector and acts as a key spokesperson and liaison for the RHRA to create understanding and impart information that may be contentious or to create buy-in. ○ Imparts stakeholder issues, conveys stakeholder perspectives and identifies possible solutions or opportunities that meet the needs of both the authority community and government. ○ Makes convincing recommendations to the Minister for the RHRA regarding impact of proposed policies.
	High Performance Management	Managing for results is the ability to plan for and achieve measurable results and reach successful outcomes at an individual, authority and community level. It involves a steady focus on desired outcomes, setting challenging goals, making difficult decisions, and anticipating and addressing potential obstacles or conflicts to achieve excellent results.	• Ensures that the RHRA meets its statutory obligations and carries out its mandate effectively and efficiently. • Provides oversight of regulatory practices to ensure the quality of decisions. • Oversees the establishment and monitoring of systems and procedures that plan and measure results. • Sets performance targets that are both realistic and challenging to meet the RHRA's vision and objectives. • Maintains steady control and focus on the image and reputation of the RHRA for timeliness, clarity and quality. • Achieves results among varying and often conflicting obligations.

Retirement Homes Regulatory Authority



Chair of the Board

Date: November 2, 2023

His Majesty the King in right of Ontario



Minister for Seniors and Accessibility

Date: November 14, 2023

SCHEDULE “D” – CODE OF ETHICS

RETIREMENT HOMES REGULATORY AUTHORITY

Overview

1. The Retirement Homes Regulatory Authority (RHRA) is an independent, selffunded, not-for-profit regulator mandated to administer the *Retirement Homes Act, 2010* (Act).
2. Pursuant to the legislative requirements of the Act, this Code describes the principles and values that guide ethical behavior, and the rules and practices the RHRA has put in place to ensure that they are met.
3. This Code is consistent with Ontario’s Regulators’ Code of Practice (ORCP). The RHRA considers the principles in the ORCP and this Code when developing or updating its operational policies, processes, and standards, and in training its staff. By following these principles, the RHRA demonstrates its commitment to professional service and to regulatory delivery excellence.

Purpose

The RHRA believes that high standards of ethical conduct are essential to its role as a regulator. The RHRA’s integrity and commitment to these standards are crucial to building and maintaining a strong relationship with the residents the RHRA protects and the people who support them, the retirement home sector, the Government, other regulators, and the public. The purpose of this Code is to document and describe the rules and practices that the RHRA has put in place to ensure these principles and behaviours are continually and consistently demonstrated.

Scope

The Code applies to the following people (hereafter referred to as “RHRA Representatives” or “Representatives”):

1. All full or part-time employees of the RHRA, including contract, temporary (includes summer students), and seconded staff members.
2. Directors of the RHRA Board of Directors.
3. RHRA statutory officers; and
4. People who the RHRA retains or appoints to provide services to the RHRA but does not include members of any advisory committee established pursuant to section 19.1 of the Act.

Note: For RHRA Directors that are appointed by the Lieutenant Governor in Council (“LGIC”) pursuant to section 12 of the Act, nothing in this Code shall diminish or detract for their obligations as appointees set out in the Agencies and Appointments Directive.

Complying with the Code

Complying with the Code is a condition of employment, or an appointment, or retainer. When joining or beginning work with the RHRA, a person must affirm that they have read the Code and agree to comply with it.

The RHRA takes regular action to encourage and ensure compliance with the Code. The RHRA educates its staff, directors and others about the Code and includes a requirement to comply with the Code in its employment (and other) contracts where appropriate.

Breaching the Code is serious and may result in discipline, including suspension or termination of employment or appointment. The RHRA encourages those who breach the Code to report it, with a view to resolving the breach. Employees and those on retainer with the RHRA can make reports and seek help from their supervisor, a member of Management, or Human Resources. Officers and directors can seek help from the Chair, Registrar & CEO, or Senior Legal Counsel.

Everyone to whom this Code applies must comply with it and is responsible for being familiar with its contents.

RHRA Values

The RHRA has a mission and mandate, vision, and values. The RHRA's values guide everything that it does. Everyone at the RHRA must adhere to the letter and spirit of these values in their day-to-day work. For the purposes of this Code, a summary of the RHRA values is as follows:

1. **Excellence**: The RHRA sets and attains high standards in an efficient and effective manner, striving for continual improvement. The RHRA uses resources optimally and follows a risk-based approach to make informed decisions and achieve its goals.
2. **Integrity**: The RHRA operates in a principled, honest, and respectful manner. The RHRA acts in an objective and impartial manner and avoids any potential or perceived conflicts of interest. The RHRA treats people's perspectives fairly and equitably, with consumer protection as a priority. All decisions are made based on relevant law, policies, and procedures. The RHRA treats all information obtained as confidential in accordance with the Act and other applicable legislation, and applicable RHRA policies, procedures, and other guidance documents. The Act provides for some exceptions to confidentiality in specific circumstances.
3. **Adaptability**: The RHRA approaches its work in a responsive, proactive, and innovative way. The RHRA works together with its colleagues and partners to protect residents of retirement homes. The RHRA takes steps to continually renew and improve knowledge and competence required to carry out its responsibilities.

4. **Accountability**: The RHRA takes responsibility for its actions and is appropriately transparent in its activities. The RHRA conducts its activities in a timely manner and strives to meet or exceed any established timelines.

The RHRA provides equitable treatment of all persons according to the Ontario *Human Rights Code* and promotes a climate of understanding and mutual respect for the dignity and work of each person the RHRA encounters. The RHRA is committed to working safely according to the *Occupational Health and Safety Act.*

Application of the Code

Making the right decisions is also an ethical matter and doing so is not always easy. In some cases, these decisions will have serious consequences for the person making them and for the RHRA. RHRA Representatives should ask questions and seek guidance about the Code if they are facing a difficult situation or decision.

This section of the Code outlines the expectations and areas of ethical behaviour, definitions, examples, and the implications of failure to comply, to further clarify the intent of this Code. It is intended to support RHRA Representatives in understanding, achieving, and sustaining the required levels of ethical behaviors.

Conflict of Interest

As a regulator, public trust is the RHRA's currency and conflicts of interest must be avoided and disclosed if they occur. A conflict of interest exists where a reasonable person would conclude that a personal, professional, business or financial interest might affect a person's judgment or the performance of their duties. A conflict of interest may be real, perceived, or potential, and direct or indirect.

a) A "**real conflict of interest**" exists when the RHRA representative has a direct or indirect personal or business interest, outside of the RHRA, that is sufficiently connected to their professional duties or responsibilities.
b) A "**potential conflict of interest**" exists when the RHRA representative has a direct or indirect personal or business interest that could influence the performance of any of their compliance or enforcement duties at a time when they have not yet exercised that duty or responsibility.
c) A "**perceived conflict of interest**" exists when reasonably well-informed persons could properly have a reasonable belief that the RHRA representative has a real conflict of interest, direct or indirect, even where there is no real conflict in fact.
d) A "**direct conflict of interest**" arises whenever a person or entity becomes unreliable because of a clash between personal, or self-serving interests and professional duties or responsibilities.
e) An "**indirect conflict of interest**" occurs when a person has a close association with another person or organization and has a financial or business interest in a decision or situation with which the other person is involved.

Examples of conflict include:

a) An RHRA representative's family member or friend may benefit from a matter that the representative may influence through their work or connection with the RHRA.
b) An RHRA representative's professional or business interests conflict with their responsibilities to RHRA.
c) An RHRA representative's political activities conflict with their duties at the RHRA; or
d) An RHRA representative conceals information that is relevant to a vital aspect of the affairs of the RHRA.
e) An RHRA representative offers a gift to or accepts a gift from a member of the retirement home sector, a resident, or from a person with a business relationship, or seeking a business relationship with the RHRA.

All RHRA representatives must avoid conflicts of interest. The RHRA has processes and guidelines in place, managed through Human Resources, and other applicable legislation, to determine whether there is a conflict of interest for all RHRA representatives. If an RHRA representative believes they have a perceived, potential, or real conflict of interest, they are required to disclose it to their supervisor or a member of Management. Officers and directors can seek additional guidance from the Chair, Registrar & CEO or Senior Legal Counsel. All disclosures are reviewed by Human Resources.

All potential RHRA representatives are required to disclose perceived, potential, or real conflicts of interest during the recruitment or appointment process. It is all RHRA representatives' responsibility for reporting perceived, potential and real conflicts in an expedient manner, when and if they arise. Annual reminders of this process are provided to all RHRA representatives. If there is a conflict of interest, this must be documented in writing, and it is the individual's responsibility to resolve the conflict. RHRA Management and Human Resources department, as well as the Chair, Registrar & CEO or Senior Legal Counsel where appropriate, can assist as appropriate in developing appropriate measures to resolve the conflict. It is important to note that full disclosure of a conflict in and of itself does not remove the conflict. The RHRA will consider the timely and full disclosure of a potential conflict as intent in good faith to comply with this Code.

Acceptance and Offering of Gifts

The RHRA values its reputation for integrity and independence. At the same time, the RHRA wants to maintain strong working relationships, including appropriate courtesy and hospitality. RHRA representatives should be mindful about accepting gifts from a member of the retirement home sector, a resident, or from a person with a business relationship, or seeking a business relationship with the RHRA. Generally, an RHRA representative should not seek or accept a gift or benefit if a reasonable person could conclude that it could influence or appear to influence their duties. The RHRA expects

that RHRA representatives would never accept or offer a gift that would embarrass the RHRA if the circumstances of the gift became public.

If a gift must be accepted out of courtesy while performing their duties, the gift should not exceed a value of approximately $30, nor should it create a conflict of interest or an obligation for the RHRA. This includes meals and other business entertainment activities.

No one covered by this Code can accept cash gifts. Cash gifts include gift certificates and gift cards.

Political Activity

While everyone at the RHRA may engage in political activity on their own time and at their own expense, no one at the RHRA may do the following:

1. Engage in political activity in the workplace;
2. Use RHRA resources for political activity; or
3. Connect personal political activity to the RHRA or to a role or position with the RHRA.

The RHRA may require a leave of absence if a person wants to run for elected office. The RHRA may also require a leave if a person wants to undertake political activity that may affect their duties, RHRA activities, or RHRA's relationship with the Government or Legislature.

External Communications

The RHRA's Board of Directors designates who may act as a spokesperson for the RHRA. Directors must comply with the policies (including the Media (traditional and social) and Spokesperson Policy) and rules in place with respect to public and media statements that concern the RHRA.

RHRA employees and those on retainer must not speak to the media unless they have the approval of the Board or the Registrar & CEO. Employees and those on retainer who receive an inquiry from the media (defined as traditional print and electronic and social/digital media) should refer the inquiry to the appropriate staff, director or designate, or directly to the Registrar & CEO. RHRA representatives must have the appropriate approval of their supervisor or authorization from the Registrar & CEO to teach, present or speak at a public forum, or write about the RHRA outside of their expected job responsibilities.

Confidentiality and Privacy

The RHRA treats any personal, personal health and business information obtained by any means in confidence in accordance with the Act and other applicable legislation, and applicable RHRA policies, procedures, and other guidance documents. The Act provides for some exceptions to confidentiality in specific circumstances. The RHRA collects, stores, and uses sensitive information in a secure manner. This information could relate to the health care of an individual. It could also be the proprietary or

financial information of a licensee. The inappropriate use or disclosure of this information could harm the RHRA, a resident, a licensee, or the Government. Consumers, licensees, and others expect us to safeguard the confidentiality of certain information, and it could be a breach of the law to fail to do so.

Confidential information is any information that a person obtains while conducting the business of the RHRA and that is not available to the public. RHRA representatives must not disclose confidential information outside the RHRA unless it is legally permissible. No one at the RHRA may use confidential information to benefit themselves or anyone else, or for a purpose that does not relate to their work at the RHRA. The duty to preserve the confidentiality of information applies both during and after working with or being retained by, the RHRA.

RHRA representatives must not access or use any personal information, personal health information or business information under the care or control of the RHRA unless doing so is required in connection with their duties in administering the Act. Inappropriately accessing such information is strictly prohibited and could result in discipline, up to and including termination.

To safeguard information, all RHRA representatives must take measures to protect the confidentiality of information and/or documents entrusted to them by:

- Refraining from leaving documents in open view
- Ensuring the physical and electronic protection of documents
- Refraining from discussing confidential information
- Using designated equipment for reproduction or transmission
- Taking appropriate measures to dispose of documents
- Returning documents on the cessation of their duties
- Marking documents intended for circulation as “confidential”.

The RHRA has an Access and Privacy Code and other policies that protect and regulate the use of confidential information. Everyone at the RHRA must comply with these policies.

Record-Keeping and Use of Resources

Everyone at the RHRA must maintain accurate and reliable records. The RHRA has principles and standards of practice in place to promote the efficient transfer of information throughout the organization, reduce cost, maintain integrity, meet regulatory and evidentiary requirements, and respect corporate and personal privacy and confidentiality.

RHRA representatives are responsible for retaining and managing all information and records that have an ongoing business value to support efficient, effective, and accountable operations across the organization. Records are to be protected throughout their entire lifecycle against unauthorized access/disclosure, possession, loss, theft, damage, change or destruction.

Information Technology resources must be used in a way that is consistent with the RHRA's high standards of ethical conduct. Users are responsible for always protecting and securely storing Information Technology resources. Everyone must use RHRA resources solely for lawful purposes.

Transparency

The RHRA's mandate is to protect the safety and well-being of residents living in Ontario's retirement homes. This includes ensuring the public has access to transparent, unbiased information that builds trust in the RHRA's ability to deliver on its mandate.

The RHRA will continuously improve on its commitment to transparency through its ongoing dialogue with stakeholders, including residents and their families, loved ones and substitute decision makers, to assess how well RHRA is delivering on its commitments and to incorporate feedback.

Inclusion, Diversity, Equity, Anti-Racism and Accessibility

Through this Code, the RHRA demonstrates its commitment to support inclusion, diversity, equity, anti-racism and accessibility (IDEAA) and dismantle systems of racism and oppression. As a regulator, the RHRA strives to model behaviours and practices that can lead the sector and strengthen relationships with RHRA representatives, residents, communities, partners, licensees, and government institutions.

The RHRA values IDEAA as a foundation of its workplace culture and decision-making and in working to protect the safety and well-being of residents living in Ontario's retirement homes.

The RHRA is a respectful and inclusive workplace and works to ensure a sense of belonging for all RHRA representatives, especially those who to date and historically have faced discrimination or unequal treatment based on race, gender, place of origin, faith, age, sexual orientation, and disability, among others. The RHRA is committed to providing an environment free from discrimination, violence, retaliation, harassment, or any other inappropriate action.

Compliance with Applicable Law and RHRA By-laws and Policies

Everyone at the RHRA must perform their duties according to applicable law and comply with RHRA by-laws. They must also comply with all RHRA policies that apply to them. The following policies or sets of policies have particular relevance to the Code:

1. The RHRA Code of Conduct for Compliance and Enforcement Employees.
2. The RHRA's Access and Privacy Code, and policies for protecting confidential information, responding to privacy breaches, and acceptable use of the internet and email.
3. Policy and procedures to provide access to persons with a disability.
4. Human resources policies, including policies for a respectful workplace, and policies relating to health and safety.

5. RHRA policies relating to expenses, procurement and signing authority.
6. RHRA policies pertaining to the complaints-handling process (related to the Act or otherwise).
7. Governance and Board of Directors policy, including policies relating to education, and to roles and responsibilities.
8. RHRA policies relating to the proper management and retention of records.

Reporting Wrongdoing

All RHRA representatives must report wrongdoing at or by the RHRA. Wrongdoing means the following:

1. Breaching a law or regulation.
2. An act or failure to act that creates a grave danger to people or to the environment.
3. Deliberate or serious misuse of money, assets, or authority.
4. Contravention of human rights, violation of safety in workplace requirements, non-adherence to respectful workplace policies.
5. Breach of this Code.
6. Directing or trying to influence a person to commit wrongdoing.

The process for employees and those on retainer is that they report wrongdoing to their supervisor or to a member of Management. If unsure whether to make a report, employees should seek advice from their supervisor or other appropriate persons. Reports of wrongdoing may be made verbally or in writing and are treated confidentially.

The process for officers and directors is to report to the Chair, Registrar & CEO, or Senior Legal Counsel as applicable. Reports of wrongdoing may be made verbally or in writing are treated confidentially.

If anyone has a concern that the RHRA is not addressing wrongdoing in a timely manner, RHRA representatives may speak directly to the Chair, Registrar & CEO, or Senior Legal Counsel as applicable.

Reporting a Breach of the Code

All RHRA representatives must use good faith in making a report. It is a breach of the Code to make a false report or a report in bad faith. No one should conduct their own investigation or act on their own to respond to wrongdoing. A breach of the Code includes:

1. Not adhering to the intent and spirit of RHRA's corporate values, transparency principles and commitment to inclusion, diversity, equity, anti-racism and accessibility in executing work and responsibilities.
2. Operating in a manner not consistent with RHRA high standards of ethical behaviour.
3. Engaging in conflicts of interest, including unauthorized political activity.

4. Accepting or giving gifts (monetary or otherwise).
5. Violating confidentiality and privacy policies.
6. Not following media or spokesperson guidelines and policies.

Breaching the Code is serious and may result in discipline, including suspension or termination of employment, contract, or appointment. The RHRA encourages those who witness or suspect a breach of the Code to report it, with a view to resolving the breach.

The RHRA will not threaten or retaliate against anyone for making a report, seeking help, or providing information during an investigation into wrongdoing. The RHRA will protect its representatives against reprisal. Threats or reprisal in the context of a report is a breach of this Code. The RHRA will strive to protect privacy in handling a report. However, where necessary, the disclosure of information in order to investigate and take action to resolve the report may be required and may occur to the extent that privacy and confidentiality considerations, including RHRA's Access and Privacy Code, allow.

Complaints and Remedies

Formal complaints about the RHRA's conduct or ethics will be made and remedied in accordance with the RHRA's existing policies and procedures for workplace or administrative complaints.

Review

The RHRA takes regular action to communicate, encourage and ensure compliance with the Code. The RHRA educates its representatives about the Code and includes a requirement to comply with the Code in its employment (and other) contracts as applicable.

This Code will be reviewed by the RHRA annually and updates will be made on an as needed and ongoing basis to reflect societal and business trends that affect the RHRA, considering priority and resource considerations. If changes are made to the procedures outlined above, they will be approved by the Minister and posted on the RHRA's website.

If this Code conflicts with the Act or any other applicable legislation, the Act or the applicable legislation, as the case may be, prevails.

Everyone to whom this Code applies must comply with it and is responsible for being familiar with its contents.

Support and Reference Documents

1. Access and Privacy Code
2. Administrative Complaints Policy
3. Respectful Workplace Policy
4. Code of Conflict Reporting Process and Guideline

5. Media (traditional and social) and Spokesperson Policy
6. Records and Information Management Policy
7. Code of Conduct for Compliance and Enforcement Employees

Retirement Homes Regulatory Authority



Chair of the Board

Date: May 28, 2024

His Majesty the King in right of Ontario



Minister for Seniors and Accessibility

Date: June 4, 2024

SCHEDULE “E” – CORPORATE PLANNING AND REPORTING

RETIREMENT HOMES REGULATORY AUTHORITY

The corporate planning and reporting documents of the Retirement Homes Regulatory Authority (RHRA) are essential communications vehicles for demonstrating responsible stewardship of regulatory authority in the achievement of resident protection. The RHRA will strive to continuously improve and strengthen linkages between strategic planning, business planning and reporting.

Recognizing that corporate planning and reporting documents have a broad audience, the RHRA will use plain language so that the objectives and performance are clear and easy for the average reader to understand. The corporate planning and reporting documents should easily allow for comparisons between them.

The RHRA’s corporate planning and reporting documents will support the accountability framework as laid out in the MOU and the Act.

In addition to the requirements specified directly in the MOU and the Act, the RHRA’s corporate planning and reporting documents shall include, at a minimum, the following:

1. STRATEGIC PLAN REQUIREMENTS

The RHRA’s strategic plan is based on a minimum 3-year cycle that identifies its key objectives, which are linked to its statutory mandate, vision and mission, and the performance outcomes associated with those objectives to guide its resources and efforts.

1.1. Corporate Profile

A general overview of the RHRA, including its statutory obligations and mandate, its mission, vision and values. It will also describe the nature and scope of the relationship between the RHRA and the Government of Ontario and the Ministry for Seniors and Accessibility.

1.2. Strategic Planning Overview

An explanation of the connection/linkages between the strategic plan, business plan and annual report.

1.3. Strategic Planning Context

Highlight key economic, industry, and operational factors that present the RHRA with challenges and/or opportunities in its strategic planning.

1.4. Objectives

The RHRA will make clear its objectives, for the planning period, and will list the following as it pertains to the target performance outcome:

- Objectives / Priorities (key goals or outcomes proposed); and
- Strategies (that will be employed to achieve the objective).

In addition, quantifiable / measurable targets will be set for each year of the planning period. The plan will detail how these targets will be measured.

Measures should demonstrate the RHRA's effectiveness (in terms of both resident protection outcomes and organizational effectiveness), efficiency and level of resident, licensee and stakeholder satisfaction/value. These measures will be based on a stable set of performance metrics that reflect the regulated sector and enable a year-to-year comparison. Where a year-to-year comparison is not possible, the RHRA shall provide sufficient information to enable a comparison. The RHRA shall also include a reference that information on performance reporting, including compliance and resident protection outcomes, is provided on the RHRA's website.

1.5. Statement of Operations

The Statement of Operations will contain information on the RHRA's financial state, including statements on revenue and expenses. The Statement of Operations establishes a picture of the RHRA's current financial health and enables a comparison between the current state of the RHRA's finances and planned revenue and expenses projections.

The RHRA will enable the Minister to review and comment on the strategic plan prior to publication for approximately thirty (30) days from the receipt of the document under normal circumstances.

2. BUSINESS PLAN

The RHRA will draft a business plan annually that identifies a coordinated set of activities to achieve the RHRA's strategic objectives delineated in the strategic plan. The business plan will state the specific activities that will be undertaken in the fiscal year, as well as identify resources necessary to achieve the RHRA's strategic objectives and successfully deliver its services. The business plan shall include, at a minimum, the following:

2.1 Corporate Overview

- A general overview of the RHRA, including its mandate, mission, vision and values; and

- A description of the RHRA's structure, services, regulated sector and the nature of the relationships between the RHRA and the government and the Minister.

2.2 Business Planning Overview

- An explanation of the connections between strategic planning, the business plan and the annual report.

2.3 Objectives, Activities and Performance Measures

- Details on the performance measures that link the RHRA's strategic objectives to the outcomes reported in the annual report, including, at a minimum, the following:

  (a) **Strategic Objectives** (priority outcomes that the RHRA proposes to achieve to successfully administer the Act, consistent with its statutory objects, including those aimed at enhancing protections for retirement home residents):

    - **Core strategic objectives:** relate to the RHRA's Statutory Mandate, focus on resident protection objectives and address high priority risks.

    - **Supporting strategic objectives:** relate to other aspects of operations such as governance, financial objectives, communication, risk management and/or stakeholder relations.

  Should the RHRA's objectives change at any point during a given year, the RHRA will notify the Minister prior to the start of the next fiscal year.

  (b) **Strategies:** (the initiatives and approaches that will be employed to undertake activities in order to achieve objectives);

  (c) **Outcome measures** (details about how outcomes for the planning period will be measured or assessed) and **targets** (annual targets for the outcome measures):

    - Outcome measures and targets should enable year-to-year comparisons demonstrating the RHRA's effectiveness (primarily related to core strategic objectives), efficiency (could be related to supporting strategic objectives, including things like overhead costs, administration to program delivery ratios), and performance based on resident, licensee and stakeholder

satisfaction/value.

- Where a year-to-year comparison is not possible, the RHRA shall provide a rationale and sufficient information to enable a comparison.

(d) **Activities:** (planned annual actions to support the achievement of strategic objectives):

- The activities in the business plan usually reflect core strategic objectives.
- The business plan may also include activities that reflect supporting strategic objectives.
- The business plan must include the RHRA's means to:
  - manage and resolve complaints related to the RHRA's administration of the Act;
  - provide French language services to the public, in accordance with section 110 of the Act; and
  - undertake activities to ensure that the goods, services and facilities are accessible in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 and any other relevant activities to ensure the accessibility of goods, services and facilities.

(e) **Activity measures:** (details about how activities will be measured or assessed to evaluate performance):

- Measures can be quantitative or qualitative.

(f) **Activity targets:** (measurable activity targets set for the fiscal year).

2.4 Resources Needed to Meet Objectives

- Assess the adequacy of financial, human and other resources of the RHRA and any additional resources that may be required to meet its objectives over the planning horizon.
- Forecast anticipated revenues (derived from regulatory and non-regulatory business, if applicable) and planned expenditures for the next three-year period.

3. ANNUAL REPORT

The RHRA's annual report is the primary mechanism for reporting results for the previous year. The annual report shall include, at a minimum, the following:

3.1 Organizational Overview

This section of the annual report shall set out:

- Introduction
- Mandate, mission, vision and values
- Overview of the organization
- Message from the Chair

3.2 Report on Performance

The RHRA shall report results for each performance measure as set out in the business plan. If a target has not been met, the RHRA shall explain why achievement was not possible in that fiscal year.

Performance Statistics:

When possible, statistical reports should facilitate comparisons over time. Performance statistics reported should, at a minimum, include:

- The activities completed over the prior year reflecting the activity measures in the business plan;

- The outcome results achieved in the previous year, reflecting performance against outcome measures and targets established in the business plan, in these areas:

    - Compliance and enforcement, such as licensing, complaint resolution, inspections, investigations, prosecutions; and regarding complaints about RHRA

    - Efficiency, such as turn-around times for licensing, complaints, inspections; and

    - Education and awareness initiatives, and handling of complaints.

Review of Legislation, By-Law and Policy Changes:

Outline any changes made to the Act and regulations, the RHRA by-laws or policies during the fiscal year.

French Language Services:

Report on the provision of French language services pursuant to section 110 of the Act, including how those services were provided, the total number of inquiries that were received in French during the reporting period, and any other statistics that the RHRA considers relevant.

Complaint Handling Process and Outcomes:

Summary of the complaint handling processes provided by the RHRA including outcomes, the Complaints Review Officer and information to the public on how to register complaints against licensees and against the RHRA.

Accessible Goods, Services, or Facilities:

Report on the provision of accessible goods, services or facilities pursuant to the Accessibility for Ontarians with Disabilities Act, 2005, including how they were provided, the total number of inquiries that were received for accessible goods, services or facilities during the reporting period, and any other statistics that the RHRA considers relevant.

3.3 Corporate Governance

This section shall provide a summary of how the RHRA is governed by providing, at a minimum, the following information, which may alternatively be posted on its web site:

- Role of the Board
- Election/appointment process of the Board
- Basic qualifications of the Board
- Committees of the Board
- Code of Ethics
- Board of Directors (including biographies)
- Directors' terms of election/appointment
- Officers (including biographies)
- Organization chart
- RHRA contact information

3.4 Audited Financial Statements and Notes

The annual report shall include audited financial statements, including any notes.

3.5 Management Discussion and Analysis

This section shall provide a discussion and analysis intended to assist with an

understanding of the material financial changes in the RHRA's operations over the past fiscal year, to be read along with the financial statements and accompanying notes. This discussion shall include a breakdown of regulatory and non-regulatory business, if applicable.

4. RISK MANAGEMENT FRAMEWORK AND RISK MANAGEMENT PLAN

Utilizing a risk-based approach to mandate fulfillment and service delivery, the RHRA will conduct a risk assessment to identify, assess and mitigate risks and develop a risk management plan that will include:

(a) The RHRA's objectives;
(b) Risks to the achievement of those objectives;
(c) Risk mitigation strategies;
(d) Maintenance of a system of internal controls to minimize risk; and
(e) Documentation of policies and procedures to manage risk.

In order to facilitate informed and coordinated responses to any issues that emerge, the RHRA will provide the Minister with reports on high and medium risks with corresponding mitigation strategies.

A summary of the risk management plan, including key information that conveys how the RHRA will ensure continuous delivery of critical business services in the event of an emergency, shall be provided to the Minister annually for review at the same time as, or as a component of, the RHRA's annual business plan. The occurrence of any risk(s) that required the use of any mitigations can be reported through the Annual Report.

5. BURDEN REDUCTION PLAN

Upon request from the Minister (or Ministry), the RHRA must provide an annual burden reduction plan that identifies opportunities to respond to the government's commitment to cut red tape and reduce regulatory burden in Ontario.

These opportunities could include legislative and regulatory proposals but should also consider how the RHRA can operate more effectively and efficiently and provide improved or increased digital services to their regulated sectors and consumers.

Retirement Homes Regulatory Authority



Chair of the Board

Date: May 4, 2023

His Majesty the King in right of Ontario



Minister for Seniors and Accessibility

Date: May 5, 2023

SCHEDULE "F" – FEE SETTING PROCESS AND CRITERIA

RETIREMENT HOMES REGULATORY AUTHORITY

Application

This Schedule applies exclusively to fees, costs or other charges (fees) for regulatory business set in accordance with the Act by the Retirement Homes Regulatory Authority (RHRA). This Schedule does not apply to administrative monetary penalties as defined under the Act or incidental administrative fees such as non-sufficient funds charges.

Principles

Fees should be designed to ensure that RHRA considers the following principles:

- The RHRA recovers all costs related to its regulatory mandate including, without limitation, those associated with the administration and enforcement of the Act and its regulations, program development and delivery, and oversight of the safety and protection of residents;
- The fee setting process is transparent;
- The fee schedule will be simple and clear, and accessible to operators and residents of retirement homes; and
- The fees are reasonable and enable appropriate oversight relative to the needs of residents and diversity among licensed operators.

Objectives

In setting fees, the RHRA has the following objectives:

- To comply with section 21 of the Act to set and collect fees relating to the administration of the Act and its regulations;
- To ensure the development of fees that are consistent with the RHRA's operating principles and obligations under the Act and the MOU including the obligation to ensure that the RHRA has adequate resources to implement activities in support of its objects as set out in section 16 of the Act;
- To achieve full recovery of all delivery and oversight costs, consistent with the ongoing viability of the RHRA as a not-for-profit corporation and at the same time provide service delivery value for stakeholders;
- To ensure that in setting fees, the RHRA considers incentives to encourage compliance with the Act and disincentives to discourage non-compliance;

- To ensure that the Board considers the impact of a new fee or a fee change on licensees and residents; and
- To ensure that, in the case of a new fee or a fee change greater than the cost of inflation, stakeholders have the opportunity to provide input into the fee setting process.

PROCESS

The RHRA will review fees annually or more frequently as determined by the Board, considering the criteria below and identifying changes in operational and environmental factors, or other pertinent information.

No new fee, or fee change, shall come into effect unless it has been approved by the Board and the relevant steps outlined in this Schedule have been completed. The Minister may waive the process, steps in the process, or the required notice timeframes if the Board provides evidence satisfactory to the Minister that the requirement to undertake any or all of these steps would result in the RHRA not having the resources needed to comply with the MOU and the Act.

Process for fee change reduction

Where the Board has approved a fee change that would temporarily or permanently reduce the amount of, or eliminate, a fee, the RHRA shall provide the Minister with at least 30 days advance written notice of the proposed fee change, following which at least 90 days written notice shall be provided to industry stakeholders. In this circumstance, the Fee Review Analysis, including the Consultation and Notice and Criteria requirements described below, is not required. However, in the notice to the Minister, the RHRA must provide an effective date for the reduced or eliminated fee, the timeframe over which the change would be in effect, and a summary of the RHRA's forecasted revenue and expenditures during this effective period to ensure that the reduced revenue does not adversely impact its operations and financial sustainability.

Process for fee changes no greater than the cost of inflation

Where the Board has approved a fee increase that is no greater than the cost of inflation, the RHRA shall provide the Minister with at least 30 days advance written notice of the proposed fee change, following which at least 90 days written notice shall be provided to licensees and sector stakeholder groups. In this circumstance, the Fee Review Analysis, including the Consultation and Notice and Criteria requirements described below, is not required.

Process for new fees or fee changes greater than the cost of inflation

Every proposal to establish a new fee or a fee increase greater than the cost of inflation shall be subject to a Fee Review Analysis and consultation conducted by the RHRA in accordance with the Fee Review Analysis, Consultation and Notice, and Criteria sections set out below.

Fee Review Analysis

The RHRA shall prepare a Fee Review Analysis that shall be in the form of a business case consisting of a written analysis for the new fee or fee increase greater than the cost of inflation that shall include:

- a scan of trends that may be occurring in the retirement home sector or otherwise that could impact the sector and RHRA;
- estimated costs for each new, existing or expanded program or activity as outlined in the RHRA's business plan;
- estimated costs associated with implementing new or amended legislation or external recommendations;
- a rationale based on the RHRA's historical, actual and projected revenues and expenses as well as impact on operational activities and level of activities;
- a summary of stakeholder comments solicited in accordance with the Consultation and Notice process set out below; and
- a statement of compliance with the Criteria set out below.

The RHRA shall provide the Minister with advance written notice of the new fee or fee change proposal and await the earlier of receiving written acknowledgment from the Minister to proceed, or 45 days, before soliciting comments from licensees and sector stakeholder groups, or the fee proposal otherwise becoming public. The Fee Review Analysis (not including the summary of stakeholder comments) shall be submitted to the Minister at this time.

Consultation and Notice

The RHRA shall solicit comments from licensees and sector stakeholders on the proposed new fee or fee change greater than inflation for a period of at least 30 days, in advance of the written notice described below. The RHRA shall also solicit comments on the proposed new fee or fee change greater than inflation from its advisory committee (the RHRA Stakeholder Advisory Council) and give due consideration to its advice. A summary of the comments and the advice, once received, shall be forwarded to the Minister for information, and shall complete the Fee Review Analysis. Once the consultation has been completed, the Board of Directors will review and may approve any fee change. The RHRA shall also provide the Minister with a copy of the draft notice

informing licensees and sector stakeholders that a new fee or fee change greater than inflation will take effect at this time.

Concurrent written notice shall be given to the Minister and licensees and sector stakeholders at least 90 days prior to the new fee or fee change greater than the cost of inflation taking effect. The RHRA will endeavor to complete and post the result of its fee review process by September 30th of each year for fees that would apply for the following calendar year.

Criteria

In developing a proposed new fee or fee change greater than the cost of inflation, the Board shall give appropriate consideration to the RHRA's financial commitments, its business plan and to the potential impact of the fee or fee change on licensees and residents. In addition, the following criteria shall be considered and addressed:

- Fees shall be set on a cost recovery basis and designed to cover all of the RHRA's costs associated with the administration of the Act including those which cannot be directly attributable to the payees, including complaint handling, inspection, investigation, prosecution, public awareness campaigns, website development and maintenance, governance programs, government oversight and reporting, and general administration.
- The RHRA may set different types of fees (e.g. fixed, variable, direct cost recovery), including, but not limited to, licensing classes, if any, and combine different types of fees.
- The relative fees charged for different oversight activities and licensing shall reflect:
    - the comparative costs to the RHRA for processing applications or providing oversight activities; and
    - uniformity of application regardless of geographic location.
- The provincial economic environment, demographic outlook, rate of inflation, affordability, and any extraordinary circumstances and other factors that may impact sector viability/stability and equitable application of fees in a diverse sector that reflects appropriate oversight relative to the needs of residents.
- All fees shall be payable when an application is made or when an oversight activity is requested or provided. Any refunds or fee waivers must be within a written policy as defined by the RHRA. Notwithstanding the above, no refund shall be issued for licence applications once the application and fee have been received or an oversight activity has been provided.
- Late fees are not subject to the Fee Setting Process and Criteria outlined in this Schedule. Where applicable, standard business practices shall be followed (e.g.,

interest charged on overdue accounts, etc.).

- In establishing or revising a fee, appropriate consideration shall be given to deterring breaches of the Act.

Retirement Homes Regulatory Authority



Chair of the Board

Date: March 31, 2022

Her Majesty the Queen in right of Ontario



Minister for Seniors and Accessibility

Date: March 31, 2022

SCHEDULE “G” – PAYMENTS*

Please note that Schedule “G” is not applicable at this time.

SCHEDULE "H" – ACCESS AND PRIVACY CODE

RETIREMENT HOMES REGULATORY AUTHORITY

Overview

1. The Retirement Homes Regulatory Authority (RHRA) is an independent, self-funded, not-for-profit regulator mandated to administer the *Retirement Homes Act, 2010* (Act).

2. Pursuant to the MOU, this Code establishes policy and procedures about information in the custody of the RHRA and under its control, including:

    a. Access to information contained in records held by the RHRA;

    b. The protection of Personal Information and Personal Health Information;

    c. The collection, use, disclosure and handling of information, including Personal Information and Personal Health Information, by the RHRA; and

    d. Procedural rights and remedies concerning the handling of information.

3. Although the *Freedom of Information and Protection of Privacy Act* does not apply to the RHRA, the RHRA is committed to promoting transparency and accountability of its Regulatory Activities, while also ensuring the privacy of Personal Information, Personal Health Information, and sensitive business information.

4. The access to information procedures in this Code do not apply to the RHRA's sharing of information with the Minister and Ministry.

Purpose

5. The purposes of this Code are:

    a. To provide and describe a right of access to information under the RHRA's Custody and Control to the extent permitted by the Act and applicable

legislation including the *Personal Health Information Protection Act, 2004*, in accordance with the principles that,

i. relevant information that advances informed decision-making should be available,

ii. exemptions to the right of access should be limited and specific, and

iii. there must be effective procedures relating to the review of decisions about the disclosure of information; and

b. To protect the privacy of individuals with respect to Personal Information and Personal Health Information held by the RHRA.

Definitions

6. The following definitions apply in this Code:

a. “Act” means the *Retirement Homes Act, 2010*, and its associated regulations;

b. “Code” means this Access and Privacy Code of the RHRA;

c. “Control” means the power or authority to make a decision about the use or disclosure of a Record;

d. "Custody” means the keeping, care, watch, preservation or security of a Record for a legitimate business purpose;

e. “Frivolous or Vexatious Purpose” includes any request for access to information that, for example: is made without any reasonable ground; has no legitimate purpose but is designed to harass or to accomplish some other objective unrelated to the process being used; is a repeat request for the purpose of revisiting a previously addressed issue; is made in bad faith; or is a speculative or indiscriminate demand for information without any reasonable grounds to identify an expected outcome;

f. “Minister” means the Minister for Seniors and Accessibility or any other member of the Executive Council to whom the responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*;

g. “Ministry” means the Ministry of the Minister;

h. “Personal Health Information” means Personal Health Information as defined in the *Personal Health Information Protection Act, 2004*;

i. “Personal Information” means information about an identifiable individual or by which an individual’s identity could be deduced, but does not include the name, title, business address or telephone number of an officer, director or employee of an organization, or a person acting in a business capacity, or information related to someone who has been deceased for more than thirty years;

j. “Record” means any document or record of information in any form and includes a record containing Personal Health Information and Personal Information;

k. “Regulatory Activity” means the RHRA’s administration of the Act, including engagement in an inquiry, licensing matter, inspection, compliance monitoring, investigation, mandatory report, complaint, Registrar’s order or decision respecting enforcement, or prosecution, or any related review, hearing, appeal, or legal proceeding; and

l. “RHRA” means the Retirement Homes Regulatory Authority.

Application

7. This Code applies to information that is collected, created, used or disclosed by the RHRA in administering the Act and includes Personal Information and Personal Health Information.

Accountability

8. The RHRA is responsible for all Records under its Custody and Control and shall designate an individual or individuals who are accountable for compliance with this Code.

9. Pursuant to paragraph 8 above, the RHRA has appointed a Chief Privacy Officer to oversee compliance with this Code and any related policies and procedures, as well as to receive privacy complaints. The Chief Privacy Officer shall be accountable for all decisions to release or not release information and for the administration of this Code and may delegate some or all of their responsibilities.

10. The creation, collection, use and management of information may be the responsibility of other individuals within the RHRA.

11. Although the RHRA takes reasonable steps to ensure the accuracy of the information provided under this Code, it does not warrant or otherwise guarantee that the information is complete, accurate and/or up-to-date.

Statutory Duty of Confidentiality

12. The RHRA will provide access to information in accordance with this Code to the extent it is permitted under the Act.

13. The RHRA is required under section 113 of the Act to preserve secrecy with respect to any information, including Personal Information and Personal Health Information, that is obtained in performing a duty or exercising a power under the Act and must not communicate the information to any person, subject to the following specific exceptions set out in the Act:

    a. As may be required in connection with a proceeding under the Act or in connection with the administration of the Act and the regulations;

    b. To a ministry, department or agency of a government engaged in the administration of the Act;

c. To a peace officer to aid a prospective or ongoing inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

d. In a criminal proceeding, as required by law;

e. With the consent of the person to whom the information relates;

f. To the counsel of the person to whom the information relates;

g. To the extent that the information is available to the public under the Act;

h. If the information relates to compliance with the Act or the regulations or relates to a serious incident involving a retirement home and if the information is communicated to a person who administers or enforces another Act or a regulation made under another Act, as may be required to aid an inspection, investigation or similar proceeding related to the administration or enforcement of the other Act or regulation;

i. As permitted or required by law; or

j. Under further circumstances that are prescribed in regulations, which are for the communication of information to the following persons or entities:

    i. A ministry, department, agency or administrative authority of a government engaged in the administration of legislation similar to the Act or legislation that protects consumers, or any other entity to which the administration of legislation similar to the Act or legislation that protects consumers has been assigned.

    ii. The Chief Medical Officer of Health, a medical officer of health or the Minister, all as defined in the *Health Protection and Promotion Act*.

iii. The Fire Marshal, the fire chief of a fire department or the clerk of a municipality, all within the meaning of the *Fire Protection and Prevention Act, 1997*.

iv. An entity or organization engaged in the protection of consumers in Ontario if the purpose of the communication is consumer protection.

v. The governing body of a profession regulated under Ontario legislation if the purpose of the communication is consumer protection or public health and safety.

vi. An entity or organization that provides or facilitates the provision of a care service, if the purpose of the communication is public health and safety.

14. In addition, the Act restricts the RHRA from making publicly available inspection reports or Registrar orders containing Personal Information or Personal Health Information.

Access to Information

15. Subject to the Act and the exemptions in this Code, every person has a right of access to:

    a. Information that is mandated to be available to the public under the Act;

    b. Information that may be communicated to those persons under section 113 of the Act; and

    c. That person's own Personal Information and Personal Health Information that is in the Custody and Control of the RHRA.

Accessibility for Persons with Disabilities

16. Upon request, the RHRA will provide or arrange to provide accessible formats and communication supports, including support making access to information

requests and complying with the Privacy and Access to Information Review Procedure, for persons with disabilities according to the *Accessibility for Ontarians with Disabilities Act, 2005* and the RHRA's Accessible Customer Service Policy.

Access to Public Information

17. The RHRA is required to maintain the following information in a publicly available register, which is located on the RHRA website:

    a. For each application for a licence,

        i. the name and address of the applicant,

        ii. the name and address of the retirement home,

        iii. a statement whether there is an automatic sprinkler in the room of each resident of the retirement home or elsewhere in the home and, if so, information about the sprinklers,

        iv. the number of residents that the retirement home can accommodate,

        v. the care services that the applicant, when licensed, will make available to the residents of the retirement home, and

        vi. information about the status of the application, including any decision that the Registrar has made with respect to the application and information about any appeals from that decision.

    b. For each licence,

        i. the name and address of the licensee,

        ii. the name and address of the retirement home,

iii. a statement whether there is an automatic sprinkler in the room of each resident of the retirement home or elsewhere in the home and, if so, information about the sprinklers,

iv. the number of residents that the retirement home can accommodate,

v. the care services that the licensee makes available to the residents of the retirement home,

vi. the class of licence, if any, issued to the licensee,

vii. the conditions, if any, imposed on the licence by the Registrar,

viii. a summary of each inspection report prepared with respect to the retirement home, with all personal information and personal health information redacted,

ix. information about any orders issued by the Registrar to the licensee, including information about appeals from those orders, with all personal information and personal health information redacted,

x. information about any conviction of the licensee or any of its directors or officers for an offence under the Act, including the penalty imposed on conviction,

xi. information about any termination, revocation or surrender of the licence,

xii. the name of the primary contact person for the licensee and, if available, additional contact information for the licensee, such as e-mail address, telephone number, fax number and website address,

xiii. the name of every person who has a controlling interest in the licensee,

xiv. a unique identifier for the licence,

xv. the date that a licence to operate the home was first issued, and

xvi. the name of the person, if any, that the licensee employs or retains to manage the operations or most of the operations of the home.

18. Public information includes a record that the RHRA has published on its website or has otherwise determined is necessary to make available to the public to carry out its administration of the Act.

Access Request Procedure

19. Requests for access to information must be made in writing in the form and manner specified by the RHRA on its website.

20. Within 30 days of receiving a written request for access to information, the RHRA will provide the requester with an estimated time to deliver a formal response to the request and the approximate cost, if any, of responding to the request to confirm whether the requester wishes to proceed with or withdraw the request.

21. Upon receipt of a written request and confirmation from the requester under paragraph 20 of this Code that the requester wishes to proceed, the RHRA will determine whether any of the exemptions to access set out in the Act or this Code apply.

22. The RHRA will, having considered the request and the exemptions and provisions of the Act and this Code, provide the requester with access to some or all of the records requested or with written notice denying some or all of the request.

23. Where a request is denied, the requester may request a review of the denial under paragraph 49 of this Code. The review decision is the final internal review mechanism by the RHRA.

Exemptions to Access

24. The RHRA shall refuse a request for access to records that:

    a. Could reveal Personal Information or Personal Health Information about an individual other than the requester, unless access is permitted by law or with the written consent of the individual to whom the information relates; or

    b. Would be contrary to the Act.

25. The RHRA may refuse a request for access to records that, in its determination:

    a. May violate a legally recognized privilege such as solicitor-client privilege, litigation privilege, or settlement privilege or was prepared by or for counsel in giving or seeking legal advice;

    b. May derive from or interfere with a legal proceeding under the Act;

    c. May derive from or interfere with a Regulatory Activity;

    d. May reveal investigative techniques and/or procedures currently in use or likely to be used in RHRA's Regulatory Activities;

    e. May disclose the identity of a source of information in respect of a regulatory activity, or disclose information furnished only by the source;

    f. May jeopardize the health or safety of any person;

    g. May deprive a person of the right to a fair hearing or impartial adjudication;

    h. May endanger the security of a building or of a system or procedure established for the protection of items, for which protection is reasonably required;

    i. May facilitate the commission of an unlawful act or impede the enforcement or administration of the Act;

j. May have been generated in the course of a dispute resolution process, including the handling of complaints under the Act;

k. May reveal commercial, scientific, proprietary, technical, financial or human resources information of the RHRA or of any individual, entity, licensee or third party that has supplied the records to the RHRA in confidence, whether explicitly or implicitly or that may suffer harm if the information is disclosed;

l. May reveal the substance of deliberations, including but not limited to agenda, minutes, policy options and analysis, advice from staff or an external consultant, advice to government, or a draft of a by-law, resolution or regulations, by one or more of the following: the RHRA's Board of Directors, including its committees, sub-committees and task forces, advisory committees, the Risk Officer, the Complaints Review Officer, the CEO, the Registrar, Deputy Registrar or other RHRA management, legal counsel, employees, or agents;

m. May be unreasonably costly or time-consuming for the RHRA to provide, taking into account the nature of the request and the volume of documents requested;

n. May be for a Frivolous or Vexatious Purpose, as determined by the RHRA;

o. May breach a contractual obligation on the part of the RHRA;

p. May be a report or other information supplied by a government, regulatory or enforcement body to the RHRA in confidence, whether explicitly or implicitly; or

q. May reveal procurement information, including information submitted to the RHRA in response to a procurement process.

26. Where information that is exempted from an access request can be reasonably severed or redacted from a record, the RHRA may sever or redact the exempted information and provide the requester with access to the remaining part of the record that is otherwise not the subject of any exemption. Whether information can be reasonably severed or redacted will depend, in part, on resources needed to complete the severance or redactions.

27. The RHRA may refuse to confirm or deny the existence of a record where disclosure of the existence of the record would constitute an unjustified invasion of an individual's personal privacy (for example because it relates to a medical or psychological history, diagnosis, condition, treatment or indicates an individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations) or where disclosure of the existence of the record could reasonably be expected to compromise a Regulatory Activity or legal proceeding.

PROTECTION OF PERSONAL INFORMATION AND PERSONAL HEALTH INFORMATION

Collection of Personal Information and Personal Health Information

28. The RHRA shall limit the collection of Personal Information and Personal Health Information to that which is reasonably necessary to carry out the RHRA's statutory objects.

29. The RHRA collects information, which may include Personal Information and Personal Health Information about residents of retirement homes, from licensees, operators of retirement homes, residents, and other persons for the purposes of monitoring and ensuring a licensee's compliance with the Act, assessing whether a person meets the criteria for a RHRA licence, and to administer the Act.

30. The RHRA collects Personal Information, including Personal Health Information, about residents of retirement homes and members of the public in relation to complaints made and concerns raised about licensees and operators of retirement homes. The primary purposes for collecting this information are to assess whether a person has a valid complaint or has raised a valid concern

about a licensee or operator, to provide information regarding the person's rights and responsibilities, and to manage or resolve the complaint or concern.

31. The RHRA collects Personal Information from applicants for a licence and from licensees, including officers, directors, and persons who have a controlling interest in applicants and licensees. The primary purposes for collecting this information are to determine if the person meets the criteria for a licence under the Act, to ensure compliance with the Act, and to administer the Act.

32. Where an individual voluntarily provides the RHRA with their Personal Information or Personal Health Information, the individual consents to its use and disclosure in accordance with this Code and for the purpose of administering the Act, and other relevant legislation. Such consent may also be implied through the individual's conduct with the RHRA.

33. Subject to the exception set out in paragraph 34 of this Code, where the RHRA collects Personal Information and Personal Health Information, it shall, where practical,

    a. Only collect Personal Information directly from the individual to whom the information relates, unless the individual authorizes another manner of collection; and

    b. Explain to the individual the purpose for collecting the Personal Information and, at or before the time of collection, obtain their consent for its collection, use and disclosure by the RHRA for that purpose.

34. Where it is necessary for the administration of the Act, including when conducting inspections, licensing and compliance inquiries, investigations, and other regulatory activities, the RHRA may collect Personal Information and/or Personal Health Information without the knowledge or consent of the individual to whom the information relates, and/or without communicating the purpose of the collection.

Use and Disclosure of Personal Information and Personal Health Information

35. Subject to the exceptions set out under paragraph 36 of this Code, the RHRA shall use Personal Information and/or Personal Health Information only for the purposes for which it was collected and shall disclose such Personal Information and/or Personal Health Information only to the person to whom the information relates or with the consent of the individual to whom the information relates.

36. In accordance with section 113 of the Act, the RHRA may use or disclose Personal Information and/or Personal Health Information without the consent of the individual, or for purposes other than those for which it was collected as follows:

    a. As may be required in connection with a proceeding under the Act or in connection with the administration of the Act and the regulations, including but not limited to the RHRA's Regulatory Activities;

    b. To a ministry, department or agency of a government engaged in the administration of the Act;

    c. To a peace officer to aid a prospective or ongoing inspection, investigation or similar proceeding undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

    d. In a criminal proceeding, as required by law;

    e. To the counsel of the person to whom the information relates;

    f. To the extent that the information is available to the public under the Act;

    g. If the information relates to compliance with the Act or the regulations or relates to a serious incident involving a retirement home and if the information is communicated to a person who administers or enforces another Act or a regulation made under another Act, as may be required to aid an inspection, investigation or similar proceeding related to the administration or enforcement of the other Act or regulation;

h. As permitted or required by law;

i. Under further circumstances that are prescribed in regulations under the Act, which are to:

    i. A ministry, department, agency or administrative authority of a government engaged in the administration of legislation similar to the Act or legislation that protects consumers, or any other entity to which the administration of legislation similar to the Act or legislation that protects consumers has been assigned.

    ii. The Chief Medical Officer of Health, a medical officer of health or the Minister, all as defined in the *Health Protection and Promotion Act*.

    iii. The Fire Marshal, the fire chief of a fire department or the clerk of a municipality, all within the meaning of the *Fire Protection and Prevention Act, 1997*.

    iv. An entity or organization engaged in the protection of consumers in Ontario if the purpose of the communication is consumer protection.

    v. The governing body of a profession regulated under Ontario legislation if the purpose of the communication is consumer protection or public health and safety.

    vi. An entity or organization that provides or facilitates the provision of a care service, if the purpose of the communication is public health and safety.

37. The RHRA may also disclose Personal Information and/or Personal Health Information without the consent of the individual, or for purposes other than those for which it was collected as follows:

a. To the Risk Officer in accordance with the Act;

b. To a person or entity specified by the Minister conducting a review pursuant to s. 19.2 of the Act;

c. To the Complaints Review Officer in accordance with the Act; or

d. To the Auditor General in accordance with the Act and the *Auditor General Act,* R.S.O. 1990, c. A. 35.

Security of Personal Information and Personal Health Information

38. The Chief Privacy Officer shall ensure that reasonable measures relating to records containing Personal Information and Personal Health Information are developed and put into place to protect Personal Information and Personal Health Information under the RHRA's Custody and Control.

39. Having regard to the level of sensitivity of the particular information, the RHRA shall take reasonable steps to ensure that Personal Information and Personal Health Information, contained in both paper and electronic form, is kept secure from loss and theft.

40. The RHRA shall ensure appropriate administrative and security mechanisms are in place to prevent the unauthorized access, disclosure, use, copying or modification of Personal Information and Personal Health Information under its Custody and Control.

41. Ongoing access to Personal Information and Personal Health Information held by the RHRA shall be authorized only to appropriate RHRA staff as needed for regulatory activities.

Correction of Personal Information and Personal Health Information

42. Where an individual has obtained access to information from the RHRA and disagrees with the accuracy of Personal Information and/or Personal Health Information about themselves held by the RHRA, the individual may challenge the accuracy and have it addressed as follows:

a. Individuals requesting corrections to their own Personal Information and/or Personal Health Information in order to ensure its accuracy and/or completeness must send their requests in writing to the RHRA in the form and manner specified by the RHRA on its website. The request must include sufficient detail to identify the applicable Personal Information or Personal Health Information and the correction being sought.

b. The RHRA will make reasonable efforts to respond in writing to a request for correction(s) or amendment(s) to Personal Information or Personal Health Information within 60 days of receiving the request.

43. Where the RHRA agrees to correct or amend a record of Personal Information or Personal Health Information:

    a. Amendments or corrections to Personal Information in records received from the individual to whom it relates shall be recorded by RHRA as soon as practically possible; and

    b. As applicable, the RHRA will provide written notice to every third party to whom the original record was provided within the previous twelve (12) months, unless to do so is impractical or would reasonably interfere with the Regulatory Activities of the RHRA.

44. If an individual's request for a correction or amendment is refused, the RHRA shall provide the reasons for the refusal in writing to the individual to whom the information relates. The RHRA will also file with the record a brief statement of disagreement provided by the individual if requested, unless to do so is impractical or would reasonably interfere with the Regulatory Activities of the RHRA.

45. The RHRA may be unable to make a requested correction, due to circumstances that include, but are not limited to the following:

a. The fact that the statement was made, whether it is correct or not, is relevant to the Regulatory Activities of the RHRA;

b. The RHRA determines that it does not have sufficient knowledge, expertise or authority to make the correction;

c. Correction or amendment may reasonably interfere with a Regulatory Activity of the RHRA;

d. Correction or amendment may reasonably interfere with the regulatory or enforcement activities of another statutory regulatory body or a law enforcement agency;

e. Correction or amendment may alter an original document that was not created by the RHRA;

f. Correction or amendment is not material to the RHRA's Regulatory Activity related to the record; or

g. Correction or amendment is prohibited by a law.

ADMINISTRATION AND PROCEDURES

Fees

46. Nominal administrative fees, set out in the RHRA's fee schedule, may apply for Personal Information and/or Personal Health Information requests that are made by the person to whom the information relates.

47. Administrative fees, set out in the RHRA's fee schedule, may apply for all other records that are made available to a requester in accordance with this Code.

48. The administrative fees for providing access to records may include costs for research or retrieval, including staff time.

Complaints and Remedies

49. Complaints about the RHRA's handling of Personal Information, denied access to information requests or correction to records shall be made in accordance with the Privacy and Access to Information Review Procedure published by the RHRA on its website.

50. Decisions of the RHRA in accordance with its Privacy and Access to Information Review Procedure are the final internal RHRA review mechanism.

Administration

51. The RHRA shall implement policies and procedures as necessary to give effect to this Code.

52. Questions about the RHRA's information policies and procedures and/or about this Code may be directed to privacy@rhra.ca.

Interpretation

53. In the event that this Code conflicts with the Act or any other applicable legislation, the Act or the applicable legislation, as the case may be, prevails.

Effective Date and Review

54. This Code comes into effect on October 1, 2024.

55. The RHRA shall initiate from time to time a review of this Code and related policies and procedures. If changes are made to the procedures outlined above, they will be approved by the Minister and posted on the RHRA's website.

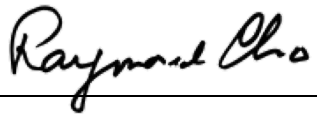
Retirement Homes Regulatory Authority



Chair of the Board

Date: November 2, 2023

His Majesty the King in right of Ontario



Minister for Seniors and Accessibility

Date: November 14, 2023

SCHEDULE “I” – NON-REGULATORY BUSINESS POLICY*

Please note that Schedule “I” is not applicable at this time.

SCHEDULE "J" – EFFECTIVE DATES OF CERTAIN PROVISIONS OF AND SCHEDULES TO THE MEMORANDUM OF UNDERSTANDING

RETIREMENT HOMES REGULATORY AUTHORITY

The provisions of and updated or new Schedules to the MOU specified in column A of the table below take effect on the date specified in column B of the table. For any provision or updated or new Schedule listed below, the equivalent provision or Schedule of the memorandum of understanding between Her Majesty the Queen in Right of Ontario as represented by the Minister Responsible for Seniors and the Retirement Homes Regulatory Authority and dated March 2, 2011 continues in full force and effect until the date listed in column B.

A. Provision/Schedule	**B. Effective Date**
5.2 10)	September 30, 2022 (for the purposes of the requirement to develop, maintain and make publicly available on its website service standards)
5.2 12)	March 31, 2024 (for the purposes of the requirement to develop, maintain and make publicly available on its website service standards)
Section 7.1 7)	March 31, 2023
10 1)	December 31, 2022 (for the purposes of the requirements for the description of the annual report in Schedule "E" only)
10 7) and 9)	April 1, 2024
13 3)	April 1, 2023
14 5)	September 30, 2024 (for the purpose of the requirements to develop policies for the conduct of prosecutions in accordance with principles set out in any Ministry of the Attorney General prosecution-related policies, guidelines, codes or similar documents provided to it by the Minister)
18	April 1, 2024
Updated Schedule "B"	September 30, 2022

Updated Schedule “C”	March 31, 2023
Updated Schedule “D”	March 31, 2024
New Schedule “E”	September 30, 2022
Updated Schedule “H”	April 1, 2023

Retirement Homes Regulatory Authority



Chair of the Board

Date: March 31, 2022

Her Majesty the Queen in right of Ontario



Minister for Seniors and Accessibility

Date: March 31, 2022

APPENDIX “A” *

Please note that Appendix “A” is not applicable at this time.