

# **Peterborough and the Ontario Retirement Homes Act**

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### Abstract

The present project aimed to analyze the impact of the Ontario Retirement Homes Act on the Peterborough retirement community, by conducting semi-structured interviews with retirement home Executive Directors, members of Resident Councils, and seniors' advocates. The project sought to address the Act's impact on quality of care and cost of care, as well as the impact of the Retirement Homes Regulatory Authority (RHRA) on Peterborough retirement homes. The overall impression of the Act draws positive and negative tones, with some major concerns that need immediate addressing. Provincial regulation is regarded positively, in general, but there are concerns about the quality and costs of care due to the Act and the lack of the RHRA presence in Peterborough thus far. This research needs to be readdressed in a year or two, in order to understand the full impact of the Act on local retirement communities, as it is too early to tell at this point. Nonetheless, certain issues are brought up and addressed, and recommendations are made for the mean time, including making the Act information more accessible, mandatory implementation of Resident Councils in every retirement home, revising the issue of tenant fee subsidies, and increasing collaboration among all stakeholders.

### Peterborough and the Ontario Retirement Homes Act

Prior to 2010, retirement homes in Ontario were largely unregulated. Facilities either opted for voluntary accreditation with external regulatory bodies or had their own internal regulatory policies, if any at all. After a long push from seniors' advocates, seniors, and retirement home communities, the Ontario Retirement Homes Act was finally introduced in 2010, as a means to bring all Ontario retirement homes up to a provincial standard. Although the Act has only been operation for three years, little or no research has been conducted on this very important topic. It is the purpose of this particular study to provide the first in-depth analysis of the Ontario Retirement Homes Act that is known to date, as well as the impact that the Act has had thus far on local communities. Focusing specifically on the retirement homes in Peterborough Ontario, I seek to assess the impact that the Act has had on the quality and cost of care, as well as how the Act's third-party regulating body – the Retirement Homes Regulatory Authority (RHRA) – has impacted local homes. In general, I seek to understand what the overall impression of the Act and the RHRA is in the Peterborough retirement community so far.

### Literature Review

According to Chappell, McDonald, and Stones (2008), “retirement did not exist prior to the industrialization of Canada” (p. 329). During the pre-industrial, agrarian era, people worked into old age. If people were no longer able to carry out the tasks required by their jobs, they would be moved to jobs that fit their capabilities (Chappell, McDonald, & Stones, 2008). Most people continued to work until they could not cope anymore or until they died. Historians agree that the industrialization of Canada was a

crucial factor in the development of “retirement” as a recognized and institutionalized phase of life (Chappell, McDonald, & Stones, 2008). However, the effects of the industrial revolution in Canada were gradual.

World War I required an unprecedented speed of production of munitions and other war supplies, which aided in the development of the assembly line manufacturing process – a process that, eventually, revolutionized the commercial industry (“Our First Old Age Pension,” n.d.). Indeed, after the war, many wartime factories remained open to produce consumer products for the masses. As a result, factories exploded in urban areas, causing the labour force to grow exponentially. However, the new industrial factories were designed with the young body in mind. Specifically, a specialized division of labour broke jobs into small, repetitive tasks that required physical speed and manual dexterity (Chappell, McDonald, & Stones, 2008) – skills that many older workers no longer possessed. This, in concert with the fact that many of the jobs that were traditionally performed by older workers were disappearing, led to the impoverishment of many older workers, as they were pushed out of the workforce and into the poorhouse (“Our First,” n.d.). It is precisely this group of older workers who compelled Canadian social activists to fight for pensions, eventually leading to the establishment of the Old Age Pensions Act in 1927 (Chappell, McDonald, & Stones, 2008), which established a “national noncontributory, means-tested pension” (“Our First,” n.d., p. 12) for British descendants aged 70 years and above, who had resided in Canada for at least 20 years, and who made less than \$365 per year (including pension), for the cost of \$20 per month. This was the first, albeit modest, step towards nationalized benefits for individuals who were no longer able to work, which came into effect in January of 1952 (“Demanding More,” 2002), at

which point, under the provisions of Old Age Security (OAS), pensions were provided for all Canadian men and women aged 70 years and older, who had lived in Canada for 20 years or more. Later amendments were made with the creation of the Canada Pension Plan (CPP) in 1966 and the Guaranteed Income Supplement (GIS) in 1967, at which point our current retirement income system was officially in place (“Reducing Poverty,” 2002). It was at this point that retirement became a fact of life. However, it has been argued that the “pension advocates” largely overestimated the effects of pensions on the lives of the “needy elderly,” as they were not sufficient to raise this group of individuals out of poverty (“The History of,” n.d.). This was the major catalyst in the development of retirement homes, but in order to understand the full-story one needs to consider the history of long-term care.

According to FATE (Foundation Aiding The Elderly), in their piece entitled “The History of Nursing Homes” (n.d.):

...before the nineteenth century, no age-restricted institutions existed for long-term care. Rather, elderly individuals who needed shelter because of incapacity, impoverishment, or family isolation often ended their days in an almshouse.

Placed alongside the insane, the inebriated, or the homeless, they were simply categorized as part of the community's most needy recipients. (Para. 1).

Early in the nineteenth century, in response to this social problem, women and church groups began to organize facilities for the aged (“The History of,” n.d.). However, even these facilities selected residents on the basis of monetary means and certification of “good character.” Because of this, the vast majority of elderly individuals continued to spend the rest of their days confined to the almshouse – 33 percent in 1880 and up to 67

percent by 1927. This sudden increase of elderly individuals in almshouses in the twentieth century urged the government to finally step in, as described previously. However, as mentioned, these social security initiatives were not enough to raise people out of poverty. This was because only a small proportion (15 percent) of elderly individuals in almshouses were there because of financial need (“The History of,” n.d.). The vast majority was there because they were sick and too frail to take care of themselves, which led to the institutionalization of the aged in long-term care “nursing homes” and the subsequent eradication of the poorhouses (“The History of,” n.d.). However, it was quickly realized that not all elderly individuals needed round-the-clock medical care. Some just simply needed assistance with the tasks of daily living, yet could not qualify for admittance into nursing care facilities. With almshouses largely out of the picture, this played a role in cueing the development of “retirement residences,” as distinct from nursing homes.

According to Chartwell, in their publication entitled “How to Choose a Residence” (2009), retirement residences are primarily for elderly individuals who need minimal to moderate support in the tasks of daily living. They typically involve apartment-like amenities that are rented on a monthly basis, many of which include meal plans and other services, such as social activities, and are paid out of pocket. Furthermore, there are two different types of retirement residences: independent living and assisted living. As the name suggests, assisted living facilities offer more support in the form of nursing care or supervision, as required, but still less than that found in nursing homes. Anyone in the community is eligible to apply to live in either of these types of residences (“How to Choose,” 2009). Until recently, however, retirement homes



were largely unregulated and unlicensed by either provincial or federal governments or third-party regulating bodies, which is quite distinct from nursing homes.

Nursing homes (long-term care facilities) are designed for elderly individuals who require 24 hour nursing care and supervision (“How to choose,” 2009). Partial provincial funding is provided for individuals who require this service, and residents pay the rest through a co-payment, which is also set by the province and is determined on the basis of an income assessment. The Ministry of Health and Long-Term Care (MOHLTC) provide funding for these services in Ontario. Each of the provincial governments regulate admissions, which depend on the individual’s needs and whether or not those needs match up with what the residence has to offer. Standards of care are typically much higher than those found in retirement residences and are regulated and inspected annually by provincial regulating bodies, which, in Ontario, encourage (but do not require) facilities to become accredited through the Commission on Accreditation of Rehabilitation Facilities (CARF) (“How to Choose,” 2009). It is important to note that most provinces also offer privatized retirement facilities, which are independently regulated and funded. Nonetheless, this issue of regulation is the primary difference between nursing homes and retirement residences. This concern has recently come to the forefront of government discussions about how to deal with the retirement home and aging “problem,” which sparked the development of the Ontario Retirement Homes Act in 2010 (Phillips, 2010).

Elder abuse in retirement homes is a particularly relevant issue in the public discourse about why the government needed to regulate retirement homes. According to Welsh (2012), the licensing rules developed by the Ontario Retirement Homes Act have

been utilized to target 50 Ontario retirement homes for suspected elder abuse and neglect. In 2011, 150 homes were investigated for similar claims, with 50 homes having unresolved or multiple problems. In 2010, an undercover reporter for the Toronto Star went to live in a Toronto retirement home and uncovered “filthy living conditions, terrible food, untrained and illegally paid staff, and residents so sick that they needed medical attention from a government-funded nursing home” (“Licensing of Ontario,” 2012, Para. 13). This is just one of several such undercover operations that revealed the same sorts of conditions in other retirement homes. Indeed, this was a major catalyst in the development of the new regulations under the Ontario Retirement Homes Act. However, the most pressing reason for the Act’s development had to do with Canada’s aging population.

According to the Canada Mortgage and Housing Corporation, there are currently about 40,000 seniors living in approximately 700 retirement Homes in Ontario. In the next 25 years the senior population is expected to double to almost 4.1 million and, by 2017, seniors will account for a larger proportion of the population than children under 14 years of age for the first time in our history (“Stronger Protections,” 2010). Because more and more people are living into old age, we need stronger protections for them to ensure they will be taken care of in environments that meet their needs, especially considering the number of retirement homes with recently issued complaints about abuse and neglect. This is precisely the role that the Ontario Retirement Homes Act was designed to fulfill.

According to the Act, a “retirement home” is:

...a residential complex or the part of a residential complex that is occupied primarily by persons who are 65 years of age or older, that is occupied or intended

to be occupied by at least the prescribed number of persons who are not related to the operator of the home, and where the operator of the home makes at least two care services available, directly or indirectly, to the residents. (Part I, “Definitions”).

Part I of the Act stipulates that all retirement homes are to be operated in a way that residents can live with “dignity, respect, privacy, and autonomy” in a secure, safe, and comfortable environment, and in a way that residents can make informed choices about their care options. It also sets the definitions for abuse, administrative penalty, authority, care service, Complaints Review Officer, external care provider, fund, incapable, inspector, license, licensee, Minister, neglect, operator, personal health information, personal information, plan of care, prescribed, Registrar, regulations, resident, residential complex, Residents’ Bill of Rights, Residents’ Council, retirement home, rights advisor, Risk Officer, secure unit, staff, substitute decision-maker, Tribunal, volunteer, related person, controlling interest, associate, spouse, requirement under this Act, living quarter, final decision or order, refusal to issue a license, and condition on a license.

Part II of the Act establishes the Retirement Homes Regulatory Authority (RHRA) as the official regulatory body of the Retirement Homes Act, and defines such an Authority as a “corporation without share capital.” This section also establishes the conditions of the regulatory authority. First, only a minority of the members of the Authority are to be appointed by the Lieutenant Governor in Council. Second, the Authority must appoint a Risk Officer, a Registrar, and a Complaints Review Officer. Third, the Authority has the power to set and charge fees. Fourth, any moneys that are

collected by the Authority belong to the Authority and are not public moneys. Finally, there must be a Retirement Homes Regulatory Authority Emergency Fund to be used to pay any claims made by residents under the Act.

Part III of the Act stipulates the condition that retirement homes must have a license issued by the Registrar in order to continue or begin operating. This section also provides the Registrar with the power to conduct inspections before a license is issued and to enforce conditions on issued licenses. Applicants have the right to make a submission to the Registrar prior to licensing refusal or conditional licensing, and have a right to appeal their licensing issues with the License Appeal Tribunal.

Part IV of the Act defines the Resident's Bill of Rights. First, licensees are required to submit a written agreement with every single resident prior to the resident taking up occupancy in the home, and are also required to provide every single resident with an information package that details the resident's rights upon taking up occupancy in the home. This information package is also required to be available in the home. Second, residents in the retirement home have the right to name a Residents' Council, who has the power to inform residents of their rights and obligations, as defined by the Act, as well as to mediate any disputes that arise between the licensee and the residents. Third, under provisions for care and safety in the retirement home, licensees are barred from preventing residents from accessing external care services. Furthermore, the licensee must provide information for such services at the behest of the residents, as well as information about alternatives to retirement home living in response to external evaluations. The licensee must also make necessary contacts to alternative options, at the request of the resident. The licensee must assess all potential occupants prior to taking up

occupancy in the home to ensure a proper plan of care is developed, based on the principles outlined in the Act. Fourth, licensees are required to screen all employees and volunteers before they initiate physical contact within the home, including a police background check (unless the individual is under the age of 18 years). All employees and volunteers must also meet minimum standards of skills and qualifications. The licensee is required to protect all residents from abuse and neglect. The restraint of residents using a physical device or administration of a drug, or the confinement of residents to secure units of the home is expressly prohibited, except under certain, specified conditions. Finally, licensees must make available a written complaint protocol that allows residents to formalize any complaints about the operation of the home, as well as specifications for how the licensee needs to deal with such complaints. When reasonable grounds for wrongdoing have been established, a formal report must be issued to the Registrar.

Part V of the Act provides Registrars with several rights. First, the Registrar has the right to hire inspectors, without a warrant, in response to complaints of wrongdoing. All complaints must be reviewed by the Registrar. The Complaints Review Officer has the right to review the complaint, on the behalf of the complainant, if the Registrar does not take action. Second, the Registrar has the right to act on the basis of reasonable grounds, independent of receiving a complaint, including ordering the licensee to do something, to refrain from doing something, or to pay a penalty, as well as revoking the license altogether.

Part VI of the Act outlines the licensee's rights to appeal the decisions of the Registrar to the License Appeal Tribunal and, in certain circumstances, to the Divisional Court. It includes provisions for when and how to appeal, information on stay on appeals,

hearings, rules and procedures, the power of the Tribunal, and penalties, as well as information on how to move dismissed appeals to the Divisional Court.

Part VII of the Act outlines the requirement of the Registrar to maintain registers of information, the requirement of the licensee to provide this information to the Registrar, restriction of the disclosure of personal information or personal health information, the requirement for confidentiality on the part of the Authority and all of its members (directors, officers, agents, and employees), and provisions for the protection of whistle-blowers. This section also highlights the power of the Lieutenant Governor to create regulations through a process of public consultation.

Part VIII of the Act provides some amendments to the Retirement Homes Act that will be required when the Long-Term Care Homes Act comes into effect. Amendments were made to the definition of retirement home, resident rights in relation to confinement, criteria for determining licensee protocol if alternative care is needed, and employee and volunteer training with regards to resident confinement.

Part IX of the Act provides consequential amendments to the Long-Term Care Homes Act to add a sub-clause for the Retirement Homes Act, as well as the Personal Health Information Protection Act to change their definition of retirement home to the one provided by the Retirement Homes Act.

Part X provides the commencement of the Act, which was stipulated to begin on the day that the Act received Royal Assent, which occurred officially on June 8<sup>th</sup>, 2010 (Wahl, 2010). This section also provides the short title for the Act, being “Retirement Homes Act, 2010,” as discussed throughout this paper. This is the concluding regulation

of the Act, which, as a whole, is claimed to be a product of a specific, and judicial process.

According to Seniors Access Vice President Michelle Gatt (2012), in deciding what exactly the Act should entail, the Ontario Seniors' Secretariat visited 12 communities across Ontario between January and March 2007, speaking to over 800 people, including seniors and their families, seniors' organizations, consumer advocates, municipalities, community service providers, and retirement home providers. In addition, 200 written submissions were provided from third-party organizations and groups. At several public hearings in May 2010, 22 presenters were heard and 20 written submissions were reviewed. It is said that no one was prevented from speaking at these hearings. These hearings informed 15 amendments, including improved safety provisions for retirement home residents and a "requirement for consultation on initial regulations made under the Act" (Sec. 7) In addition, expert roundtables were held in the fall of 2010 and early 2011, which included seniors' groups, retirement home operators, care professionals, and government partners. The first phase of the Act was made available for public comment between February 22<sup>nd</sup> and April 8<sup>th</sup>, 2011, during which 60 submissions were received. The second phase of the Act was made available for public comment between May 20<sup>th</sup> and June 20<sup>th</sup>, 2011. A complete review of the Act will be completed five years after section 120 of the Act comes into full force. However, in spite of all of these considerations, the public discourse still takes on a critical tone, suggesting that there are some issues still at play.

The most frequently discussed issues include how cost of care will be affected by the Act, the speed at which the Act came into effect, and, most importantly, concerns

over retirement homes having a third-party regulating body – the RHRA. In terms of costs, according to Infinite Analytics Incorporated, in their piece entitled “Ontario Retirement Homes Act – Implications for Your Business” (2011), the added documentation and audit requirements proposed by the Act are likely to increase the costs and administrative burdens of the retirement community. According to Executive Director and Staff Lawyer for the Advocacy Centre for the Elderly (ACE), Judith Wahl (2010), “it is inevitable that the cost of regulation will be passed onto tenants in the form of higher prices” (p. 5). This is a legitimate concern that needs to be considered because, according to Wahl (2010), the government has only agreed to fund the first two years of the Acts operation. Those two years have now come to a close, which begs the question of how retirement communities and individual residents are now affected by it?

In terms of how “quickly” the Act came into play, it has been argued that this is reflective of a hidden agenda on the part of the government – that they, somehow, have something to gain from this Act, over and above public approval, which, interestingly, they did not have a lot of to begin with (Goar, 2010). In line with this argument, Goar (2010) discussed how Gerry Phillips, the minister responsible for seniors, expedited Bill 21 at an alarming rate. According to Goar (2010), everyone seemed to agree with this pace, including the retirement home industry, the opposition parties, and the public. As she notes, however, the dissenting voices of seniors were largely not considered. Although seniors wanted regulations put in place for their protection, they wanted it done correctly. The vast speed of the Act’s development has allowed some cause for suspicion. Who really stands to gain from this Act? Goar (2010) also highlighted that, although the Seniors’ Secretariat stipulated that all individuals were permitted to attend public



committee forums regarding the Act, time slots were rigidly allotted making it very difficult for some people to have their voices heard. In the end, only a handful of advocacy groups were able to attend. According to CARP, in their article entitled “The Ontario Government Seeks to Regulate Retirement Homes with a Noteworthy Bill – CARP Urges Consumer Protection” (2010), the first and second reading of Bill 21 occurred in less than a month’s time. According to Goar (2010), the public hearings were held in less than a day. In effect, it has been argued that such hurriedness may be threatening the power and credibility of the Act’s regulatory agenda (“The Ontario Government,” 2010) – an agenda that has already stirred up its fair share of controversy.

Although the Advocacy Centre for the Elderly (ACE) supported the regulation of retirement homes, they strongly opposed the RHRA, as well as the hasty delivery of the Act in general. Although Gatt (2012) outlined the lengthy process that was undertaken by the Seniors’ Secretariat, as described earlier, which consulted over 800 people in several public forums, Wahl (2010) argued that these forums only discussed the general regulation of retirement homes, to which many people obviously agreed. There was little or no discussion, however, about the “specific regulatory scheme contained in the [RHRA]” (p. 1), to which many people did not agree. According to Wahl (2010), the RHRA has several problems that need to be addressed, two of which are pertinent to this discussion. First, due to the lack of government oversight of the regulations, like those found in long-term care homes, the ACE believes this will result in a two-tiered health care system, in which patients would end up paying for services that would otherwise be covered by the government. Second, an issue raised by several concerned third parties, the ACE is concerned that the Authority will be overrun by industry professionals or by

friends of the retirement home CEOs, which, in their opinion, concentrates power and limits accountability. The ACE, like many other parties, feel that the government, as opposed to some third-party corporation, should undertake the regulation of retirement homes, as it is done in nursing homes. Even NDP MPP France Gelinis voted against Bill 21, as reported by Talaga (2012):

We passed this bill, that I voted against and still would vote against, that set up a self-regulatory body of for-profit agencies... Regulations can't change a flawed bill... it doesn't matter what you add to a base that is already crumbling. (Para. 18).

Interestingly, as mentioned previously, the Act stipulates that the RHRA is a “corporation without share capital,” and that the “Lieutenant Governor in Council can only appoint a minority of the members of the board of directors of the Authority” (Part II, “Corporation”), perhaps suggesting that the ACE had some influence over the final product. Nonetheless, there are still legitimate concerns about having a third-party regulatory body over government involvement, which sparks curiosities as to why this is so. This is certainly something that needs to be addressed further.

In light of the information provided thus far, it is my contention that interviews need to be conducted at retirement homes in order to determine how the Ontario Retirement Homes Act has impacted local retirement communities. Specifically, I hope to address issues of quality and cost of care, as well as the role of the RHRA and its impact thus far on retirement home residences. As such, the Executive Directors of retirement homes, members of the Resident Councils, and seniors' advocates are the primary targets for the undertaking of this project. Interviews will be conducted and analyzed for a final

report, under the supervision of Professors Susan Clark and Stephen Katz from the Sociology department at Trent University. I will also be operating under the guidance of Dawn Berry-Merriam at the Peterborough Social Planning Council (PSPC) and Andy Cragg at the Trent Centre for Community-Based Education (TCCBE). Interviews will commence in January 2013 and the final report will be made available at the end of May 2013. The findings of this project will be presented at the Community Innovation Forum in April 2013, and an info note will be produced and sent out to the Peterborough community by the PSPC after the final report has been received and reviewed.

### Methodology

#### *Participants*

The participants of this research study included four Executive Directors, two Presidents of the Resident Council, and three tenants, representing seven Peterborough retirement homes, as well as Judith Wahl representing the Advocacy Centre for the Elderly (ACE) in Toronto Ontario.

#### *Data collection procedures*

Interviews were conducted face-to-face with most participants. One pen and paper interview was accepted from a President of the Resident Council, because their residence was quarantined due to an influenza outbreak. One phone interview was conducted with Judith Wahl from the ACE. The rest were conducted face-to-face for approximately 15 to 30 minutes. To view a copy of the “Interview Protocol,” refer to Appendix A.

Interviews were recorded and notes were taken throughout, with the permission of the participants. Recordings were listened to and notes were made, including the extraction of relevant quotations. Recordings were destroyed upon the completion of the

final report, as per the participant-researcher agreement. Informed consent was obtained from all participants, and the project received ethics approval from the Sociology Department at Trent University. To view a copy of the “Informed Consent” form, refer to Appendix B.

#### *Data analysis procedures*

The notes were analyzed in-depth for common themes and meta-themes, relying on a grounded theory approach to data analysis, and were openly coded to produce the “findings” section of this paper. Five meta-themes were developed and were reflective of the main questions asked in the interviews. Eleven themes were developed as they pertained to these particular meta-themes.

#### Findings

The findings of this research will be organized according to a thematic analysis, which will highlight the main themes and meta-themes that prevailed in the research. Main meta-themes will be bolded and organized flush left, and themes will be italicized and indented.

#### **How the Ontario Retirement Homes Act has impacted quality of care at Peterborough retirement homes.**

*Quality of care at some Peterborough retirement homes has not been affected by the Ontario Retirement Homes Act because of previous accreditation with the Ontario Retirement Communities Association (ORCA) and/or previously existing internal policies of the retirement home.*

This response was typical of the Executive Directors of Peterborough retirement homes. All of the homes that were interviewed were already voluntarily accredited with the Ontario Retirement Communities Association (ORCA), which previously had policies and procedures in play that were very similar to the ones introduced by the Ontario

Retirement Homes Act. Indeed, the President of the Resident Council at one of the interviewed establishments pointed out that the Act was actually fashioned on the basis of ORCA's already existing policies, which is likely why retirement homes that were previously accredited through this trade association found the transition to the Act guidelines to be relatively smooth. As such, the home operators generally felt that not much had changed for them, with regards to the implementation of the Act, as a result of their voluntary accreditation with ORCA. As one Director put it: "The RHRA services are the same as the services that were available through ORCA. Very little has changed... It's very status quo for us." However, as Judith Wahl at the Advocacy Centre for the Elderly (ACE) in Toronto pointed out: "Just because someone is a member of ORCA does not mean that there will be improved standards of care." This is the main issue with the voluntary nature of such associations and why the Act needed to be implemented in the first place: To develop a mandatory, rather than voluntary, provincial standard for Ontario retirement homes.

Other Executive Directors spoke of internal policies that already existed in their homes, in addition to the policies put forth by ORCA. These internal policies were developed, administered, and regulated by the headquarters of these organizations. According to one Director, these policies had already put their retirement home "quite a bit ahead of the Ontario Retirement Homes Act."

One tenant, who was the President of the Resident Council in their retirement home, provided some support for these aforementioned claims by suggesting that "the quality of care at [that particular home] was already higher than was required by the Act," largely due to the home's affiliation with ORCA and the internal policies of that

particular organization. Not all interviewed tenants resonated the optimistic views of their Executive Directors, however, as is outlined in the second last theme of this section. Nonetheless, it seems as though most of the Peterborough retirement homes are already above the curve for providing quality care to residents, which is optimistic. As some home operators pointed out, even though there have not been many changes at their particular establishments, they do expect quite drastic changes for operators who were not previously voluntarily or internally regulated, which is really who the Act is for.

*Quality of care at some Peterborough retirement homes has increased slightly due to the Ontario Retirement Homes Act, which “enhanced” some of the already existing policies with the Ontario Retirement Communities Association (ORCA) and/or previously existing internal policies of the retirement home.*

Some retirement home operators felt that, while overall the Act did little to change their particular homes, “[it] is, in some areas, more enhanced,” including more policies around emergency planning, infection control, risk of falling, staff training, fire safety, assessments of resident care needs, respect for independence of residents and resident privacy, as well as more guidelines for posting and reporting instances of resident abuse. The President of the Resident Council at one of the establishments said, “Extra help is available,” with regards to medical and mental health care, as well as personal care, including physical, emotional, and social care services. All of the interviewed operators said that they always had these policies in effect at their establishments, but that the Act served to “tighten things up a bit” by requiring these things to be done across the province, as well as requiring more documentation and disclosure. In other words, the Act offers more proof that the home is doing what they should be doing, as well as more transparency about what is going on inside of the homes, so that people can make more informed decisions about their living arrangements.

Again, it seems as though Peterborough retirement homes, for the most part, are doing a good job, overall, in terms of providing quality care to tenants, even prior to the establishment of the Act.

*Quality of care at a Peterborough retirement home has decreased significantly in the past six to eight months but it is unclear if this is due to the Ontario Retirement Homes Act or not.*

Tenants interviewed at one of the Peterborough retirement homes agreed that, while they do not know much about the Ontario Retirement Homes Act, they do know that the quality of care had gone down significantly in the previous six to eight months, at that particular establishment. For them, the biggest change that they noticed was that there was a lot less staff around, and those staff members that were around were expected to do a whole lot more – even things that they were not qualified to do. As an example, they talked about how tenant medications were no longer administered by nurses but by housekeeping staff. One tenant said that she had actually received the incorrect medication the night prior, and that it was lucky that she was in a position to notice this. They worried for tenants who were not in the right state of mind to make this kind of distinction. The other tenant admitted to taking back her pills after this incident, opting instead to administer them to herself, as this was not the first occurrence of this kind at this home. Furthermore, the tenants agreed that a lot more is required of the individual tenants now, which was not a part of their previous agreement. For example, tenants now have to bring their towels out of their own rooms, whereas housekeeping staff used to do this for them.

Although this is interesting and alarming information, it is uncertain whether these changes are due to the implementation of the Act, which these particular tenants

readily admit. The timing of these changes is certainly suspicious, but suggesting that the Act is responsible for such changes is largely conjecture at this point. One of the tenants had pointed out, however, that five or so years ago, when she first came to live at this particular residence, she thought it was the most amazing place, in terms of quality of care, and how the changes she is seeing are really only reflective of the past year or so. It could be suggested that it is possible that staffing changes were undertaken to offset some of the increased costs of the Act's licensing fees. Although the Act has provisions about staff training, it does not stipulate a minimum staff-to-resident ratio, which was something that the Ontario Seniors' Secretariat reported was of a primary concern prior to the development of the Act ("Regulating Care," 2007). In fact, it was one of the issues brought forth in the discussions leading up to the Act's implementation, largely reflective of the issues that were apparent in long-term care homes.

As Rinaldo (2013) pointed out, more than 10,000 Canadian long-term care patients are abused every year at the hand of other residents. She said, "Staff at long-term care homes and advocates for seniors believe a major contributing factor is the ratio of staff to residents" (Rinaldo, 2013, Para 40), which is alleged to be too low and, often, unmet. This is especially interesting considering the fact that long-term care homes are regulated in Canada, and that staff-to-resident ratios are not a part of the Ontario Retirement Homes Act either. Although it cannot be concluded that the issues at this particular Peterborough retirement home are a result of the Act's failure to require a certain number of staff in retirement homes, and that this may be a way that homes are offsetting the increased costs of being regulated – and indeed, the Executive Director of this home had admitted that the Act's licensing costs had not been delegated to residents



at that point – it is certainly something that needs to be closely examined. When the Retirement Homes Regulatory Authority (RHRA) comes to inspect Peterborough retirement homes, which they have not done so yet, it will be interesting to see what happens at this particular retirement home, as well as other retirement homes, in terms of quality of care services, because there is clearly an issue regarding the qualification of staff and the standards of care, as a result, at this particular home. While I do not think that elder abuse is an issue at this particular residence, I do think that the Peterborough community should be vigilant to make sure that the quality of care is met at the highest standards at all Peterborough retirement homes, or the Act is simply not doing what it is supposed to do. Time will tell.

**How the Ontario Retirement Homes Act has impacted cost of care at Peterborough retirement homes.**

*The cost of care at some Peterborough retirement homes has not been affected by the Ontario Retirement Homes Act “yet.”*

After the implementation of the Act, costs have remained the same at some (two out of seven) of the interviewed retirement homes in Peterborough. As the President of the Resident Council at one facility pointed out, it is entirely up to the owners of the retirement homes to decide whether or not they are going to delegate the increased licensing fees of the Act to the tenants. The Executive Directors were quick to note, however, that things may change in the future. As one operator put it, “some facilities have chosen to [increase fees], but we have not yet.” It was noted that fees do go up every year to reflect the regular increases in the costs of living, but that the Act has not yet affected these homes in this way. Operators are unsure of what will happen in the future, because the RHRA has yet to come to Peterborough for inspection. Because the RHRA

has the power to sanction homes and administer fees to homes, it is unclear how they will be affected by further increasing costs – although, Peterborough retirement homes operators are optimistic that they “have everything in order.” As such, there is no anticipation of further increased costs to the retirement homes, from either the operators’ or the tenants’ points of view.

Another Director pointed out that their home already paid fees through their accreditation with ORCA, which have simply been transferred to the RHRA, albeit at a “slight increase.” Such an increase was not enough to raise the costs of operation of these homes to a level that needed to be transferred to the tenants – at least “not at this point.” It bears consideration that one of these homes has alleged issues in their quality of care, as was mentioned in the previous section, which could be a means to offset their increased costs of operation. Again, this will be better illuminated after a visit with the Retirement Homes Regulatory Authority (RHRA).

*The cost of care at most Peterborough retirement homes has increased slightly due to the Ontario Retirement Homes Act.*

At most (five out of seven) of the interviewed Peterborough retirement homes, costs have increased slightly due to the implementation of the Act. The owners of these establishments have decided to transfer the increased licensing fees of the Act to the tenants. The Executive Director at one home said that the costs of operation had gone up because of the Act, and that the tenants had absorbed some of this increased cost, but that a lot had been paid out by the residence itself. The residence absorbed the cost of the licensing application fee, at \$800 for residences with less than 20 units and \$1200 for all other residences. The President of the Resident Council at this establishment noted that that the absorbed tenants fee is to the tune of exactly \$10.17 every month, which he feels

is “a huge amount.” As the Director pointed out, the home is charged this price for every unit in the residence, even those that are unoccupied. According to this Director, the fee shows up under the “care and services” portion of the tenants’ rent. This is problematic because, as Judith Wahl pointed out in our interview, “that is illegal.” In the ACE Newsletter, Wahl (2012) said:

Licensing fees that a retirement home landlord is required to pay to the RHRA are not care services and cannot be charged to tenants as care services. The [Residential Tenancies Act (RTA)] and its regulations specifically define what constitutes a care service and licensing fees are not listed. (p. 3).

According to Wahl (2012), rent charges can only be increased if the landlord and the tenant agree that the tenant will receive a parking space or some sort of prescribed service, accommodation, facility, privilege, or thing, such as cable or satellite television, air conditioning, or extra electricity. As such, Wahl (2012) argued that, “retirement home landlords who add licensing fees to rent are imposing an illegal charge on the tenant” (p. 4) She added that such tenants “can file a T1 Application for a Rent Rebate with the Landlord and Tenant Board” (p. 4) within one year of the illegal charge being collected. In our interview, Judith Wahl was quick to note that she is not completely critical of the increased fees: “This is the cost of operation and it is expected.” Her issue is when homes are not doing this legally. The legal way to do this, according to Wahl, is to have the fee added as a “feature of the operating costs, as a separate line on the tenant’s bill.” She noted, “It is fair to charge for the services they are delivering.” This is something that the Peterborough community needs to monitor vigilantly. If costs are going to increase, and in most cases they already have, it needs to be done legally and transparently, in the

manner elucidated by Judith Wahl. People need to know exactly what they are paying for and what they are getting for that price – this is what the Act is supposed to be all about.

Another Peterborough retirement home operator admitted to increased costs of care due to the implementation of the Ontario Retirement Homes Act at their home, but did not disclose exactly what had increased. The interviewed tenant from this establishment talked about slight increases in the cost of food and rent but attributed this to the standard increases in the costs of living that happen every year. The tenant was not aware of any new fees charged. Admittedly, this tenant was also not aware of what the Ontario Retirement Homes Act is, which is a whole other issue. Nonetheless, if they are being charged transparently for the RHRA licensing fees, then this tenant should have been made acutely aware of any new fees apparent as a separate and visible line on their bill. Again, this is something that needs examining, as the Act clearly stipulates that tenants have the right to know what the precise costs of care are and what exactly those costs are for. This is something that the RHRA should address and sanction in their coming visits to Peterborough retirement homes, and it is something that our community organizations need to monitor to make sure this indeed happens.

**How the Retirement Homes Regulatory Authority (RHRA) has impacted Peterborough retirement homes.**

*The Retirement Homes Regulatory Authority (RHRA) has not yet inspected in Peterborough and, as such, has had no significant impact yet.*

All of the interviewed participants of this research project, operators and tenants alike, could not comment on the impact of the Retirement Homes Regulatory Authority (RHRA) on Peterborough retirement homes, at this particular point, because the RHRA has not yet come to Peterborough. We are now in the third year of the Act's

implementation, and the RHRA is supposed to conduct inspections at least once every three years, so we should anticipate a visit to Peterborough very soon. Operators expect that their presence will have a positive impact on the facility. One operator suggested that she thinks the RHRA is dealing with the unaccredited facilities first, as far as she knows – those who were not voluntarily or internally regulated in any way, where most of the problems leading to the development of the Act stemmed from. She added that the RHRA is inspecting homes that have issued complaints as well. This logic seems to make sense. Nonetheless, the President of the Resident Council at one home pointed out that only about 246 of the over 700 homes have been inspected so far, so he does not expect that inspections will be able to happen in the projected time frame. The Director of this home resonated these concerns, saying: “They have only inspected a few and there are over 700 residences... I’m not sure how they are going to do this.”

I asked another Operator about their posted RHRA license in the front lobby of their establishment, which they received without inspection. She informed me that licenses were granted on the basis of a paper application, which established licensing approval on the basis of past history of the establishment. This is somewhat problematic considering the issues that were mentioned in terms of quality of care at one Peterborough retirement residence and the transparency of costs of care, or lack thereof, at most of the interviewed Peterborough retirement homes. Unfortunately, seniors who are living in substandard conditions will have to continue to live in these conditions until inspections take place. This was seen as a major problem by some of the interviewees, which will be explored in later sections. For this section, it is enough to say that the RHRA has not yet come to Peterborough and, so, the impact on Peterborough retirement

homes cannot be assessed at this point. However, it could be argued that the RHRA has had a negative impact on Peterborough retirement homes by precisely not acting at all.

**The overall impression of the Ontario retirement Homes Act in the Peterborough retirement community and suggested changes.**

*Regulation of retirement homes was necessary and the Act is doing a good job so far, but there are some suggested changes.*

All of the interviewed Peterborough retirement home operators agree that regulation of retirement homes is a good and necessary thing. They also agree that the Act is doing a good job so far. One Executive Director said, “I’m very impressed with it. I think it’s a great thing that we’ve legislated... I think it’s good that everybody has the same standards, and anything that is better for the residents, that’s a good thing.” Another Director noted that the Act is “very comprehensive” and that, “it is wonderful that we have mandatory regulation.”

The President of the Resident Council at one retirement home does not have concerns to note so far and does not suggest any changes at this point. Even those tenants that were not previously familiar with the Act, prior to our interview, were in agreement that licensing of retirement homes is a good thing and a step in the right direction. There were some suggested changes, however, from some of the operators and tenants, despite overall positive feelings about the Act thus far.

Some operators suggested that the paper work that has come along with the Act’s new provisions is really cumbersome for tenants. Whereas tenants once only filled out a couple of forms, now there are over 60 pages of information that the tenants must receive. The operators admit that they do not know whether or not the tenants are even reading, let alone understanding the information in these packages. The process required is only that

the information packages are presented to the tenants, who sign that they were given the information and that they read it. Whether or not they actually did is unknown. This is problematic considering that the administration of this information to the tenants is of central importance to the effective implementation of the Act. The information package includes all of the necessary information about tenant rights and procedures for filing complaints, etc. Without knowing this information, the Act essentially becomes useless for them – but this is who the Act is for. Some operators agree that finding a way to make this information more accessible would be beneficial to the success of the Act.

Another operator suggested that, “It would have been nice to have subsidies for residents.” The costs of retirement living are increasing every year, and this Director feels that it would have been nice for residents to receive some assistance to deal with the growing financial burden that can come with retirement, especially in the wake of the economic recession in 2008. The President of the Resident Council at this home, however, did not reverberate this desire, as he noted that retirement home living is a choice, and one needs to determine whether or not they can afford that choice. He added that long-term care is available for those who are too ill to live on their own.

Overall, Peterborough retirement home operators are happy with the Ontario Retirement Homes Act thus far, and have little concerns over its implementation or future impact. However, although the retirement home tenants agree that regulation was a necessary and good thing, many were far less optimistic about the Act than their directive counterparts.

*Regulation of retirement homes was necessary but the Act is not yet doing what it was designed to do.*

This was the central response of most of the tenants who were interviewed, with regards to their overall impression of the Ontario Retirement Homes Act thus far. Some feel as though they did not have a say in the Act's development and continue to have no say in its implementation. As one President of the Resident Council said "The residents are impacted by the Act, but it is all behind the scenes with the staff and management. The residents are not aware of behind the scenes." Indeed, several of the interviewed tenants had not even heard about the Ontario Retirement Homes Act or the Retirement Homes Regulatory Authority, even though the RHRA administered information packages to every retirement residence across Ontario, to be administered to every single retirement home tenant as of January 1<sup>st</sup>, 2013. One resident said, "I thought it was for long-term care." Another said, "I saw something about the Bill of Rights on the wall in the residence, but I haven't heard about anything else." She admitted to having to look it up on the internet prior to our interview, in order to be able to answer my questions.

Of those who had not heard of the Act, they suggested that the most important things that should be included in the Act are better training for staff, having qualified staff for each job, rules about food quality, physical building safety, protection of freedom, and higher staff-to-resident ratios. Of course, some of these concerns are a part of the Act already, although some residents continue to see that these are lacking in their establishments. Furthermore, some of these suggestions come from tenants living in retirement homes that they think are wonderful, offering guidelines that already exist in those establishments in order to bring other homes up to the same standards. Some of these suggestions, however, are not included in the Act, and could be of central important



to the protection of retirement home tenants, such as minimum staff-to-resident ratios, as we have already explored in previous sections. These concerns may have been a part of the Act if more time was taken to address the desires and needs of the most important population that the Act addresses – seniors living in or planning to live in retirement homes. Additionally, it is of central concern that there are tenants who do not know about the Retirement Homes Act. This is especially perplexing considering that these individuals strongly desire this information and participation. As one tenant said, “I would love to know more about this!” Another reverberated this sentiment, saying, “It would be nice to know, especially if it will improve standards of care.” Interestingly, it was only in homes that did not have an established Resident Council that tenants reported not knowing anything about the Ontario Retirement Homes Act. This may be reflective of the importance of having a Resident Council in the home, and how operators should mandatorily pursue this set up. There is a certain sense of alienation that tenants are feeling in terms of their lack of knowledge about or participation in the Act’s development and implementation, and this issue needs to be addressed immediately.

As one President of the Resident Council said, “The Act was established on the basis of the knowledge of politicians... they chose to do essentially what they had done before.” He was referring to how seniors living in homes were not consulted about the Act’s development, echoing the above concerns. In this sense, he feels that the Act only reflected a certain perspective, and that some important things were missed that might have been considered. Whereas the Executive Directors of the Peterborough retirement homes felt very involved in the process of developing the Act, the tenants feel as though they were very estranged from it. One Executive Director said, “There was a lot of open

discussion,” in terms of the development of the Act. She felt very involved in the process and attended many of these open forums to voice her concerns. I asked the President of the Resident Council of another home whether he felt he had the ability to be involved in the Act’s development or not, to which he said, “In terms of the residents, I believe there wasn’t any opportunity at all... None that I am aware of.” Therefore, even though the open discussion forums leading up the Act’s development were supposedly open to everyone, this President of the Resident Council had not heard of any such opportunities. It begs the question that if a person in his particular position was not aware of these opportunities, who was? He suggested that there needs to be more input from tenants in the future. As he put it, “this seems to be the forgotten factor.” Indeed, it seems as though it should be common knowledge that if you want to know what it is like to live in a retirement home, and the things that need to be focused on in terms of retirement home regulation, you should probably talk to more people who live in retirement homes. It is general felt that the involvement of seniors living in retirement homes has been minimal thus far, and that this needs to change.

**The overall impression of the Retirement Homes Regulatory Authority (RHRA) in the Peterborough retirement community.**

*Peterborough retirement homes have not dealt with the Retirement Homes Regulatory Authority (RHRA) yet and, so, do not have an overall impression of them, and there are no concerns.*

Most Peterborough retirement home operators had little to say about their impression about the Retirement Homes Regulatory Authority (RHRA), again, largely because they have not dealt with them yet. One operator noted that other homes in their company have reported that their dealings with the RHRA have been very positive thus far. One operator said, “We are used to third-party regulation... we have no concerns

with this.” One President of the Resident Council reported that they also did not have any pressing concerns thus far. However, some operators did note some minor concerns.

*Peterborough retirement homes have not dealt with the Retirement Homes Regulatory Authority (RHRA) yet and, so, do not have an overall impression of them, but there are some minor concerns.*

Some of the retirement home Executive Directors reported some minor concerns with the RHRA. Two Directors admit that they would like to have seen ORCA take on the role of the RHRA, because they are unsure about the background and experience that the RHRA members have had in the retirement home industry. As one Director said, “I think a lot of us would have liked to see ORCA be the regulating body, just because they have the experience.” Indeed, the Act’s policies were largely based on ORCA’s policies. However, as Judith Wahl discussed, the ACE, and other seniors’ advocacy groups, lobbied strongly against ORCA playing this particular role, because “ORCA is a trade association.” In other words, as Wahl pointed out, ORCA functions for the interests of the retirement home operators above all else, rather than the tenants. The ACE pushed forcefully for the RHRA to be an independent regulatory body, rather than a self-regulatory trade association. Wahl agreed that advocacy for the operators is also important, but that this was not the role of the RHRA. In fact, one Executive Director said that ORCA continues to play an advocacy and educational role for them and will continue to do so into the future, and this is a positive thing.

In terms of government regulation, as is seen in long-term care, some operators feel as though the government would not want to take on this role because of the lack of desire to pay for retirement home services, as is done in long-term care. One Director noted how they are under the ministry of labour, rather than the ministry of health,

“because the government does not want to subsidize [them].” Some operators would like to see such subsidized care in their homes, as previously mentioned. Nonetheless, they are unsure if this would have made any difference in terms of the Act’s policies. As the President of the Resident Council at one of the homes noted, the Act was developed on the existing policies of ORCA and long-term care policies. One Executive Director added, “I think the regulations would be similar regardless.”

Other operators have some minor concerns over possible increasing costs of operation, due to their involvement with the RHRA. Although they are optimistic about the state of their homes, they admit that the authority has the power to sanction and fine homes for whatever they deem necessary. One Director said, “We all knew that when the RHRA came into effect, it would be cost related. Money has to come from somewhere... We don’t know how much more we will have to pay yet.”

*The Retirement Homes Regulatory Authority (RHRA) has not done its job thus far, because it is not set up efficiently to do so, and there are major concerns.*

There is still a lot of concern over who the members of the RHRA board are, especially among tenants that have not received any information about the Ontario Retirement Homes Act. There is still some concern over the RHRA being dominated by industry professionals. Judith Wahl noted that she still does not know how the board will play out, but she is willing to give them some time to sort themselves out. She encourages us to continue to monitor this vigilantly, however.

The President of the Resident Council at one home said that the RHRA is “just another bureaucracy.” He commented on how they have been very slow to get organized, only inspecting a minority of retirement homes so far. He commented about how the RHRA seems to be more concerned with the development of its board of directors and

senior management team, rather than inspecting the retirement homes. He said, “It’s a bureaucratic nightmare and it’s going to be very costly,” adding that it has already cost over \$1.5 million just to get the RHRA set up. He suggested that they should have used already existing bureaucracies for long-term care, rather than adding more to it. Judith Wahl resonated this perspective, as she believed that it would have been much more effective to set up the Act as a continuum of long-term care, rather than as parallel to it. They both feel as though this would have been a far more efficient approach to the development of the Act. Overall, the President of the Resident Council at this establishment is less than enthused about the RHRA. He said:

We need to produce a functional regulation authority and examine costs on a continuing basis relative to the results it is generating... I am very disappointed so far. They are moving so slow and the need is so great and the costs seem to be so high so far for so little.”

Indeed the RHRA does not seem as though it is adequately equipped to undertake the job that it has set out to do, especially in the time frame it has set in which to do it.

Judith Wahl presented two final related concerns. First, the exorbitant licensing fees are serving to price low-income facilities out of business, which were actually providing excellent levels of care to disadvantaged seniors. These homes simply cannot undertake this massive fee increase and, as a result, the populations they serve become increasingly neglected. Furthermore, and related to this point, third-party regulation creates two-tiered health care, which is a major debate in Canadian politics right now. Wahl refers to retirement homes under the Act as “nursing home lite,” because retirement homes have been permitted to now run like long-term care facilities without regulating

them like long-term care homes. In light of this, Wahl feels as though retirement homes should also be publicly funded and regulated, like long-term care. She commented, “Third-party regulation allows for two-tiered health care, and this isn’t fair to me.” She admitted that the Act has served its purpose in terms of shutting down the most substandard facilities because they did not want to be regulated, and this is a positive thing. Unfortunately, there are massive drawbacks to this positive outcome. Interestingly, two interviewed tenants discussed the sudden major increase in the number of residents with ProHome externally funded health care services in their retirement home, and how there are a lot more people who have greater care needs than they have ever seen before. Reverberating the ideas of Judith Wahl, if you are set up like long-term care, you should be regulated like long-term care, otherwise you have a two-tiered health care system that continues to benefit the rich to the disadvantage of the poor. This is a massive issue.

#### Discussion

In general, there are some positive and negative things to note thus far about the Ontario Retirement Homes Act. In terms of the positive, it is good that provincial regulations are now in effect for Ontario retirement homes. Steps towards documentation and transparency were needed and are somewhat underway. In terms of the negative, there are some pertinent issues of note.

With regards to quality of care, Peterborough retirement homes, in general, are doing a good job at providing superior care to seniors, even before the Act came into play. Peterborough seems well ahead of the curve for providing such care, which is a positive observation. Most tenants are happy with their retirement home experiences.

There are issues at one Peterborough retirement home and this will hopefully be addressed in the coming visits with the RHRA.

In terms of cost of care, the tenants at most of Peterborough's retirement homes have absorbed the Licensing fees arbitrated by the Act, and such fees have been absorbed in a way that is argued to be illegal, according to Judith Wahl from the ACE. Costs of care must be made transparent. This is also something that should be addressed in the coming RHRA inspections.

In terms of the Retirement Homes Regulatory Authority (RHRA), there is no meaningful conclusions that can be made, except that their inability to get organized could be having a substantial negative impact on the quality of care at retirement homes that do not have serious issues, such as reported incidences of elder abuse, but do have substandard levels of care. For those establishments, like the one described previously, quality of care continues to suffer at a modest, and potentially dangerous level due to the inaction of the RHRA thus far. There is strong support for establishing an Authority that can complete inspections in a timely manner – preferably every year, rather than once every three years. Seniors living in retirement homes will, unfortunately, continue to suffer until the RHRA gets organized.

While, overall, the Act is positively regarded in the Peterborough retirement community, there continues to be founded concerns that need addressing and close monitoring by the Peterborough community.

### Key Recommendations

The Ontario Retirement Homes Act has brought an increasing amount of protection for seniors living in retirement homes and, with it, an increasing amount of paper work. While this information is important, if it is not received or completely understood, the protections that the Act is set to provide become null and void. I recommend that this information be made available in a more easily accessible and digestible way – perhaps a multimedia option would be desirable for this outcome. Furthermore, Resident Councils should be mandatorily undertaken at all retirement homes, rather than simply listing it as an option in the Act that many retirement home residents will probably never read for themselves. Information on the purpose of this group and the benefits of having such a group, as well as information on how to establish it should be made readily available. Operators should be vigilant to make sure that this information has been received and understood by all retirement home tenants; otherwise the Act simply cannot protect them.

In terms of fee subsidies for tenants, I recommend that this issue be readdressed. If the Act is going to permit the retirement homes to run like long-term care nursing homes, they too should be publicly regulated and funded on the basis of financial need, in order to avoid two-tiered health care and unjust treatment of individuals who do require an extended level of care. This also brings up the issue of the third-party nature of the Act's regulation. However, because the RHRA has not yet come to Peterborough retirement homes, I was not able to assess the full scope of their impact – only the lack thereof. I recommend that this research project be undertaken again in another year or two once the RHRA has made inspections at Peterborough retirement homes and the dust



has settled. Only then will we will be able to address the impact it is having on the local retirement community. At that time, we will also be able to address any lingering issues in terms of the quality of care and transparency of costs issues that were apparent in this research project.

My last recommendation is that all involved stakeholders – the RHRA, ORCA, the Residential Tenancies Act, the government, seniors’ advocates and, especially, seniors living in retirement homes – have increased collaboration in the coming years around the development and implementation of the Ontario Retirement Homes Act. While the Act has done well in many regards, there are problems that need to be addressed, and increased collaboration would be an effective way to smooth out any lingering issues that have been identified thus far.

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## Appendix A

Interview Protocol

1. Introduce topic
  - Explain confidentiality
  - Right to withdraw
  - Right to not answer any particular question
2. General information (If consent has been provided to use this information).
  - What is your name?
  - What is your position/where?
  - Where is the residence located?
  - How long has it been in operation?
  - How many rooms are available?
  - What care services/amenities are available?
  - What is the staff to resident ratio?
  - What is the cost?
  - Is there anything else that you would like us to know about this residence or what it has to offer that I did not ask?
3. Has the Ontario Retirement Homes Act (2010) impacted quality of care at this residence?
  - Medical/mental health care?
  - Personal care? – Physical, emotional, social, family?
  - Yes?
    - How?

- No?

→ Do you expect or anticipate any changes in quality of care in the coming years, due to the implementation of the Act?

4. Has the Act impacted cost of care?

- Increased?

→ Why or why not?

- Decreased?

→ Why or why not?

- The same?

→ Why or why not?

- Do you expect or anticipate any other changes in the cost of care in the coming years, due to the implementation of the Act?

5. Has the Retirement Homes Regulation Authority (RHRA) specifically impacted this residence?

- Yes?

→ What role have they played thus far?

→ Have they been helpful?

- How or why not?

→ Have they been detrimental?

- How or why not?

6. What is your overall impression of the Act thus far?

- Any comments or concerns that we have not already discussed?

7. What is your overall impression of the RHRA (as a third-party regulating body)?
  - Any comments or concerns that we have not already discussed?
8. Is there anything you would change about this Act?
  - What do we need in terms of retirement policy in the future.
9. Is there anything else you would like to discuss that we have not already considered?



## Appendix B

**Peterborough and the Retirement Homes Act****Consent Form**PART I: Participant's copy

Researcher(s):

**Name:** Tina Cumby      **Phone:** 705-559-8462      **Email:** tinacumby2@trentu.ca

I am conducting research for the Peterborough Social Planning Council as part of Trent University's Community-Based Research Project course, under the direction of Professor Susan Clark and Professor Stephen Katz.

The aim of this project is to assess the recently implemented Ontario Retirement Homes Act (2010), to determine how the act will impact retirement homes and residents, as well as if and how it will improve standards of care.

Your participation is voluntary, and should you wish to end it at any point, that is your right. Your responses will be treated in confidence, and you will not be identified except in general ways, unless you choose to be identified. Due to the nature of this project, you may be identifiable on the basis of your responses. All efforts will be made to protect your identity if you choose to remain anonymous. The data provided by you will be analyzed in confidence by only myself (Tina Cumby), as the principal investigator of this project. The analysis will be incorporated into a written report with all of your identifying information removed, unless you choose to be identified. This report will be used to develop a presentation that will be performed at the Community Innovation Forum on April 5th, 2013, as well as at the Senior Summit in June of 2013, both of which you are welcome to attend. For information regarding these events, feel free to contact me. No other use will be made of the data.

This research has been reviewed and received ethics approval by the Committee on Research Ethics of the Department of Sociology, Trent University.

If, at any time, you have any questions about the research project and your participation in it, please contact me (information above) or the instructor(s):

Instructor(s):

**Name:** Susan Clark      **Phone:** 705-748-1011 ext. 7821      **Email:** susanclark@trentu.ca  
Stephen Katz                      705-748-1011 ext. 6020                      skatz@trentu.ca

Department of Sociology, Trent University, Peterborough ON K9J 7B8

Thank you for your participation.

PART II: Researcher's copy:

I have read the description of the research project: "Peterborough and the Retirement Homes Act." I understand the possible risks and benefits involved. I understand that I may withdraw from participation in this project at any time, and that confidentiality of personal information will be protected by my real name and identifying information not being used or mentioned in the researcher's final report without my consent. If the interview has been tape-recorded, I understand that the recording will be used only for the purpose of making a transcription, and will then be erased.

This research has been reviewed and received ethics approval by the Committee on Research Ethics of the Department of Sociology, Trent University.

Participation (please initial):

I freely agree to participate in this project \_\_\_\_\_

Identity (please initial one):

I wish to be identified in this project \_\_\_\_\_

I wish to remain anonymous in this project \_\_\_\_\_

**Signature:**

**Date:**