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Bill 296

An Act to amend the Retirement Homes Act, 2010 to dissolve the Retirement Homes Regulatory Authority

Ms S. Shaw

Private Member's Bill

1st Reading May 19, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Retirement Homes Act, 2010* to dissolve the Retirement Homes Regulatory Authority and provide that certain of its functions will now be performed by the Ministry.

**An Act to amend the Retirement Homes Act, 2010
to dissolve the Retirement Homes Regulatory Authority**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 (1) The definitions of “Authority”, “board”, “memorandum of understanding” and “Risk Officer” in subsection 2 (1) of the *Retirement Homes Act, 2010* are repealed.

(2) The definition of “Complaints Review Officer” in subsection 2 (1) of the Act is amended by striking out “of the Authority appointed under section 25” at the end and substituting “appointed under section 14”.

(3) The definition of “Fund” in subsection 2 (1) of the Act is repealed and the following substituted:

“Fund” means the Retirement Homes Emergency Fund continued under subsection 15 (1); (“Fonds”)

(4) The definition of “Registrar” in subsection 2 (1) of the Act is repealed and the following substituted:

“Registrar” means the Registrar appointed under section 13; (“registrateur”)

2 Part II of the Act is repealed and the following substituted:

**PART II
RETIREMENT HOMES REGULATION**

Authority dissolved

9 The Retirement Homes Regulatory Authority is dissolved.

Enforcement

10 The Ministry shall ensure that retirement homes are operated in accordance with this Act and the regulations.

Education

11 (1) The Ministry shall educate licensees, consumers and the public about matters relating to this Act and the regulations, including the requirements applicable to licensees, the prescribed care and safety standards for retirement homes, the rights of residents and best practices for the operation of retirement homes.

Definition

(2) In this Part,

“consumer” means a 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.

Advisory committees continued

12 All advisory committees established in accordance with clause 19.1 (a) of the Act, as it read on the day before its repeal under section 2 of the *Retirement Homes Amendment Act (Retirement Homes Regulatory Authority), 2021*, and that remained in existence on that day are continued.

Registrar

13 (1) The Minister shall appoint a Registrar who shall perform the duties assigned to the Registrar under this Act and in the regulations.

No hearing required

(2) Subject to the regulations, the Registrar is not required to hold a hearing or to afford a person an opportunity for a hearing before doing anything under this Act.

Non-application of *Statutory Powers Procedure Act*

(3) The *Statutory Powers Procedure Act* does not apply to anything done by the Registrar under this Act.

Deputy Registrars

(4) The Minister may appoint a maximum of two Deputy Registrars who shall perform the duties that the Registrar assigns and shall act as the Registrar in the Registrar's absence.

If more than one Deputy Registrar

(5) If more than one Deputy Registrar is appointed, only one Deputy Registrar may act as the Registrar under subsection (4) at any one time.

Complaints Review Officer

14 The Minister shall appoint a Complaints Review Officer.

Emergency fund

15 (1) The Retirement Homes Regulatory Authority Emergency Fund established under subsection 27 (1), as it read on the day before its repeal under section 2 of the *Retirement Homes Amendment Act (Retirement Homes Regulatory Authority), 2021*, is continued under the name Retirement Homes Emergency Fund in English and Fonds d'urgence pour les maisons de retraite in French.

Same

(2) The Minister shall administer and manage the Fund.

Fees, etc.

16 (1) The Minister may set and charge fees, costs or other charges in relation to the administration of this Act and the regulations or anything that the Registrar does under this Act and the regulations.

Exception

(2) The Minister shall not set or charge any fees, costs or charges payable by a person for making a complaint described in subsection 83 (1) to the Registrar.

Setting fees, etc.

(3) In setting the fees, costs and charges described in subsection (1), the Minister may specify their amounts or the method for determining the amounts.

Collection

(4) The Minister may,

- (a) set the time and manner of payment of the fees, costs and charges charged under subsection (1); and
- (b) require the payment of interest and other penalties, including payment of collection costs, when fees, costs and charges charged under subsection (1) are unpaid or paid after the due date.

Publication

(5) The Minister,

- (a) shall ensure that the fees, costs and charges, the processes and criteria and anything set or required under subsection (4) are published on a Government of Ontario website; and
- (b) may publish anything mentioned in clause (a) in any other format the Minister considers advisable.

3 Section 38 of the Act is amended by striking out “set by the Authority under section 21” at the end and substituting “set by the Minister under section 16”.

4 Paragraph 10 of subsection 51 (1) of the Act is amended by striking out “the Authority” and substituting “the Ministry”.

5 Clause 54 (2) (g) of the Act is amended by striking out “the role of the Authority” and substituting “the role of the Ministry in regulating retirement homes”.

6 Clause 65 (2) (i) of the Act is repealed and the following substituted:

- (i) all Acts, regulations, policies of the licensee and similar documents that are relevant to the person's duties; and

7 Subsection 93 (1) of the Act is amended by striking out “the Authority” and substituting “the Ministry”.

8 Subsection 94 (3) of the Act is amended by striking out “The Authority” at the beginning and substituting “The Ministry”.

9 (1) Clause 98 (1) (f) of the Act is amended by striking out “under section 21 or 38” at the end.

(2) Paragraph 7.3 of subsection 98 (2) of the Act is repealed.

10 Section 107 of the Act is amended by striking out “The Authority” at the beginning and substituting “The Ministry”.

11 Subsection 108 (1) of the Act is amended by striking out “processes and criteria that the Authority establishes and that the Minister approves” in the portion before clause (a) and substituting “processes and criteria that the Minister establishes”.

12 Section 110 of the Act is repealed.

13 Subsections 113 (2), (3) and (4) of the Act are repealed.

14 Section 118 of the Act is amended by striking out “the Authority” and substituting “the Ministry”.

15 (1) Subparagraph 32 ii of subsection 121 (1) of the Act is amended by striking out “the board of the Authority” and substituting “the Ministry”.

(2) Paragraph 33 of subsection 121 (1) of the Act is repealed.

(3) Paragraph 36 of subsection 121 (1) of the Act is repealed and the following substituted:

36. permitting the Registrar, in specified circumstances, to direct that payments be made from the Fund to the Ministry for matters relating to the Ministry’s carrying out its duties or powers or to direct the Ministry to reduce the fees payable by applicants for a licence or by licensees;

Commencement

16 This Act comes into force six months after the day it receives Royal Assent.

Short title

17 The short title of this Act is the *Retirement Home Justice and Accountability Act, 2021*.