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Standing Committee on Public Accounts

2020 Annual Report,
Auditor General:

Ministry for Seniors
and Accessibility

Retirement Homes
Regulatory Authority

1st Session
42nd Parliament

Wednesday 21 April 2021

Comité permanent des comptes publics

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Mercredi 21 avril 2021

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Clerk: Christopher Tyrell

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
PUBLIC ACCOUNTSCOMITÉ PERMANENT DES
COMPTES PUBLICS

Wednesday 21 April 2021

Mercredi 21 avril 2021

The committee met at 0900 in room 151 and by video conference.

The Clerk of the Committee (Mr. Christopher Tyrell): Good morning, honourable members. In the absence of the Chair and Vice-Chair, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? Madame Gélinas.

M^{me} France Gélinas: I would like to nominate MPP Peter Tabuns.

The Clerk of the Committee (Mr. Christopher Tyrell): Does the member accept the nomination?

Mr. Peter Tabuns: I do accept the nomination.

The Clerk of the Committee (Mr. Christopher Tyrell): Are there any further nominations? There being no further nominations, I declare the nominations closed and MPP Tabuns elected Acting Chair of the committee.

The Acting Chair (Mr. Peter Tabuns): Good morning, everyone. It's nice to join you all again. I'm going to go through the checklist before we go into the formal part of the meeting.

For today's meeting, some members and staff will be present on-site—although I think I may be the only member—while others will be participating through Zoom. So that everyone is aware, the following members are present in the room: myself.

I will now conduct an attendance check of the members participating remotely—if you would confirm your identity and your location in Ontario. Mr. Blais.

Mr. Stephen Blais: I'm Stephen Blais, and I am in Orléans, Ontario.

The Acting Chair (Mr. Peter Tabuns): Mr. Crawford.

Mr. Stephen Crawford: Good morning, Chair. I'm here in Oakville, Ontario.

The Acting Chair (Mr. Peter Tabuns): Thank you. Mr. Cuzzetto?

Mr. Rudy Cuzzetto: This is MPP Rudy Cuzzetto, and I'm here in Mississauga–Lakeshore.

The Acting Chair (Mr. Peter Tabuns): Madame Gélinas.

M^{me} France Gélinas: Bonjour. Je suis France Gélinas, et je suis dans le Nickel Belt.

The Acting Chair (Mr. Peter Tabuns): I have Mr. Parsa listed.

Mr. Michael Parsa: Good morning, Chair. It's Michael Parsa, and I am in Richmond Hill.

The Acting Chair (Mr. Peter Tabuns): Thank you. I have Ms. Martin.

Mrs. Robin Martin: Good morning, Chair. It's Robin Martin, and I am here at Queen's Park.

The Acting Chair (Mr. Peter Tabuns): Thank you. I have Ms. Wai.

Mrs. Daisy Wai: Good morning, Chair. This is Daisy Wai, and I am in Toronto.

The Acting Chair (Mr. Peter Tabuns): I note that Mr. Natyshak has joined us. Mr. Natyshak, please confirm your identity and your location.

Mr. Taras Natyshak: Good morning, Chair. It's me, Taras Natyshak. I'm in Belle River. Thanks so much for subbing in for me. I appreciate it.

The Acting Chair (Mr. Peter Tabuns): My pleasure. *Interjection.*

The Acting Chair (Mr. Peter Tabuns): My apologies, Ms. Singh. I missed you. I now have an updated list that is the same as—

Ms. Sara Singh: Not a problem, Chair.

Good morning, everyone. I'm here today in Toronto, and it is in fact me.

The Acting Chair (Mr. Peter Tabuns): Thank you. Ms. Hogarth?

Ms. Christine Hogarth: It is Christine Hogarth, and I am in Etobicoke in Ontario.

The Acting Chair (Mr. Peter Tabuns): I understand that Mr. Barrett has joined us.

Mr. Toby Barrett: I'm Toby Barrett. I'm in the province of Ontario, in Toronto.

The Acting Chair (Mr. Peter Tabuns): Thank you very much, Mr. Barrett.

Thank you all for confirming. I think I've got all the members. If there are any I have missed, please indicate. Good.

We're also joined by Laura Anthony from legislative research, as well as staff from broadcast and recording. There will be a chat running in Zoom for those of you participating by video that will allow you to send messages to the Clerk. Please only use the chat for committee-related business.

For those of you participating in person or remotely, if you'd like to make a point of order or if you'd like to be recognized to speak, please physically raise your hand to get the attention of the Chair.

For Zoom participants, please be aware that broadcast and recording will be controlling your microphones. Depending on the version of Zoom you are using, you may have been asked to grant permission to be unmuted when you joined. If you accepted, the broadcast operator will be able to activate your microphone once I recognize you. Participants using older versions of Zoom may still get a request to unmute their microphone before they're able to speak. I don't think we have anyone calling in just by audio only? No, none by audio only.

If you get accidentally disconnected, please try to rejoin the meeting with the information you used to join initially. If you're unable to rejoin, please contact Andrew Kleiman from technical services. His email is included in the email which contained the Zoom link for this meeting.

If we're required to recess due to technical difficulties, please keep the device you're using to participate close at hand and wait for further instructions via email from the Clerk.

For any members present in person, I would ask that you stay a safe distance apart from your colleagues in order to maintain a safe distance between everyone.

I think that we've got everyone we need joining us, and since the gavel has already been struck, I'd like to call this meeting of the Standing Committee on Public Accounts to order.

To make sure everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. As always, all comments by members should be directed through the Chair.

Are there any questions?

Interjection.

The Acting Chair (Mr. Peter Tabuns): I just want to note we've been joined by another member.

Ms. Bell, could you identify yourself? Ah, you're waiting to be unmuted. Ms. Bell, can you test to see? We'll come back.

The first item of business today is a motion that was filed by Madame Gélinas last week. Members should all have copies of the updated version of the motion, which was sent out yesterday morning.

Madame Gélinas, would you care to move your motion?

M^{me} France Gélinas: I move that the Standing Committee on Public Accounts request that the Auditor General conduct a value-for-money audit of all significant government contracts related to the pandemic health response, including, but not limited to, testing, PPE production and distribution, and infection control measures in long-term-care homes.

The Acting Chair (Mr. Peter Tabuns): Is there any debate? Ms. Martin.

Mrs. Robin Martin: While we certainly respect the views of the member opposite, Madame Gélinas, we believe that this is probably not a good time to ask officials who are working day and night, actively working on fighting the pandemic, to set aside their work shepherding

the government through this third wave of the pandemic to assist the Auditor General in an investigation which is not time-sensitive. As such, I am recommending that the committee vote against this motion.

I would also note that the first report that the Auditor General did into the COVID-19 pandemic in November required government officials to dedicate 2,744 work hours to support the investigation. As Ontario continues to combat the third wave, we really cannot afford to pull so many resources away from pandemic response at this time.

While I think we all recognize that there will be an appropriate time to study the response to the pandemic, or aspects of it, I'm very confident that the Auditor General is fully capable of determining what aspects of the pandemic response should be reviewed and when that review should be conducted, without being urged to do so by this committee.

Our immediate priority remains protecting the health and well-being of all Ontarians.

The Acting Chair (Mr. Peter Tabuns): Is there any further debate? MPP Gélinas.

0910

M^{me} France Gélinas: The idea behind the motion is, really, to ask the Auditor General to look at this. I did not put a specific time frame. I know that it is the job of the Auditor General to do audits every year, whether we are in a pandemic or not, so the idea of the motion is—when the time is appropriate, when she is doing her work of auditing value-for-money audits of the government of Ontario, if she sees the opportunity. I think we trust her judgment—and we've seen this many times—that if it's not a good time, if it's going to interfere with the work of the government, she changes her timeline or time frame so that she gets to do her work while being respectful of the work the government needs to do.

The idea is to put a motion forward so that the significant government contracts get looked at. The pandemic—has needed sometimes to act quickly. We know that a number of contracts were given out without the proper procedures—basically, sole-sourcing. Just ask the auditor to have a look at this.

I agree with MPP Martin that we have to be respectful of the work of everybody within different ministries, but value-for-money audits will take place. This is the work of the Auditor General. It doesn't stop during a pandemic—so, really, to have a look at the significant government contracts.

The Acting Chair (Mr. Peter Tabuns): Before I ask for any other debate, I note that MPP Bell's audio is now working.

MPP Bell, will you please confirm your identity and your location?

Ms. Jessica Bell: This is Jessica Bell. I'm in Toronto.

The Acting Chair (Mr. Peter Tabuns): With that, is there any further debate on this motion? Mr. Barrett.

Mr. Toby Barrett: With respect to this motion to take a look at government contracts—for example, with PPE

production and distribution—I just want to make a comment.

Last year, with the crisis in trying to get PPE, as many may recall, it was the Wild West out there. There were millions and millions of items of product that were brought in from China. I was involved. Hospitals did not have time to go to the government to get this product. You had contacts, the stuff was brought in. Maybe it was sole-sourced. Certain organizations or companies had a contact, perhaps a very large factory in China. You try and get it into an airport in New York or Toronto, and then you get it directly on the loading dock at a hospital, and the nurses come down, whether it's against their union rules or not, and unload the trucks. You don't go to government. An awful lot of product was moved without significant government contracts.

Let's not ignore the reality of how we got this stuff out. We didn't go to government procurement and get several quotes and things like that. Things moved very quickly last year.

The Acting Chair (Mr. Peter Tabuns): Other debate? MPP Bell.

Ms. Jessica Bell: I do support this motion. I think it's very reasonable that MPP Gélinas has outlined the timelines—to give the Auditor General some flexibility on that, given the huge amount of work this government has to do. I can also imagine that the Auditor General will factor in the very difficult situation we were in when it comes to procuring PPE as she and the team do the procurement piece.

The Acting Chair (Mr. Peter Tabuns): MPP Singh?

Ms. Sara Singh: I support this motion, and I think it's an important one. I think that there are a lot of lessons to be learned and understandings that we need to garner from the government's response to this pandemic.

The Acting Chair (Mr. Peter Tabuns): Can you speak more loudly?

Ms. Sara Singh: Sorry. I do support this motion, and I think there are some important lessons that we need to learn from the government in its response. I think that a value-for-money audit from the Auditor General would help us uncover, perhaps, concerns that Ontarians have with respect to the response that the government had in our long-term-care homes or with respect to providing PPE.

As MPP Gélinas has stated, there is space in the motion to allow the Auditor General some flexibility with respect to conducting this value-for-money audit.

So I would encourage other members to also support this motion.

The Acting Chair (Mr. Peter Tabuns): Is there further debate? We see no further indication of those wanting to debate. Are members ready to vote? Good.

All those in favour of the motion, please indicate by raising your hand. All those opposed to the motion, please indicate by raising your hand. I declare the motion lost.

We will now pause briefly as we move into closed session for our briefing with the research officer and the Auditor General.

The committee continued in closed session at 0916 and resumed at 1230.

2020 ANNUAL REPORT,
AUDITOR GENERAL
MINISTRY FOR SENIORS
AND ACCESSIBILITY
RETIREMENT HOMES
REGULATORY AUTHORITY

The Acting Chair (Mr. Peter Tabuns): Good afternoon, everyone. We're here to begin consideration of the value-for-money audit on the Retirement Homes Regulatory Authority section of the 2020 annual report of the Office of the Auditor General of Ontario.

Joining us today are officials from the Ministry for Seniors and Accessibility as well as the Retirement Homes Regulatory Authority.

You will have 20 minutes, collectively, for an opening presentation to the committee. We will then move into the question-and-answer portion of the meeting, when we will rotate back and forth between the government and official opposition caucuses in 20-minute intervals, with some time for questioning for the independent member.

I would invite each person to introduce yourselves for Hansard before you begin speaking.

Interjection.

The Acting Chair (Mr. Peter Tabuns): I just want to note, we've had another member join us. I would appreciate it if he could identify himself and tell us where he is in Ontario. Mr. Anand?

Mr. Deepak Anand: I'm MPP Deepak Anand, and I am in Ontario. I am calling from my office in Mississauga–Malton.

The Acting Chair (Mr. Peter Tabuns): Thank you very much.

With that, we will go to the presentation. Presenters, please introduce yourselves for Hansard and proceed.

Ms. Denise Cole: I'm Denise Cole. I'm the deputy minister of the Ministry for Seniors and Accessibility. Good afternoon, committee members. Thank you very much for the opportunity to address the Standing Committee on Public Accounts. Joining me is Jay O'Neill, the chief executive officer and registrar of the Retirement Homes Regulatory Authority. Also with me are Jacqueline Cureton, the assistant deputy minister of the ministry's policy, programs and strategic partnerships division, and other ministry officials.

I want to begin by thanking the Auditor General and her team for their work on this audit. The ministry recognizes the vital role of her office and appreciates the instructive nature of the report and recommendations.

To provide context, and as committee members may know, the Ministry for Seniors and Accessibility is relatively young. It was created just under three years ago, when three distinct organizations were brought together to create the ministry. The ministry knows that the population of older Ontarians is increasing and that they're living

longer. The average age of retirement home residents has increased since the Retirement Homes Act was proclaimed 10 years ago, and the demographics of residents and care needs have been changing. With those things in mind, the ministry recognized that we had some critical work to do to determine priorities such as how we strengthen the retirement homes regulatory regime, and to examine the role of the retirement home sector in caring for the well-being of seniors in Ontario. Hence, the ministry has been focused on ensuring that the Retirement Homes Act is still fit for purpose and continues to evolve to meet the changing needs of residents and support their well-being.

We were very pleased with the thoughtfulness of the Auditor General of Ontario's value-for-money audit of the Retirement Homes Regulatory Authority she released on December 7, 2020, and we very much appreciated the recommendations on improving the ministry's oversight of the governance of the Retirement Homes Regulatory Authority and other services and supports for seniors.

I know that committee members have been provided with copies of the work undertaken to date to address these recommendations, but I'd like to take a few minutes to highlight some of our progress thus far.

The auditor's recommendations have helped inform our thinking around the issues the ministry needs to address in our review of the regulatory framework for retirement homes and in making sure that the Retirement Homes Act is appropriate to the goal of keeping residents in retirement homes safe, and that we incorporate the lessons learned from the COVID-19 pandemic.

Steps have already been taken to fulfill this goal. For example, in 2020, the government amended the regulation under the Retirement Homes Act to require all licensed retirement homes to follow the guidance, advice and recommendations of the provincial Chief Medical Officer of Health.

Emergency orders were made that expanded the powers of the Retirement Homes Regulatory Authority to issue management and compliance orders to retirement homes where there is a risk of harm to residents due to COVID-19.

Also in 2020, legislative amendments to the Retirement Homes Act further strengthened the minister's authorities to establish rules concerning membership of the board of directors and required the RHRA to advise the minister of any information that could affect its ability to perform its duties and would likely require the minister's action.

I'm also pleased to inform you that the ministry has already begun to address the five recommendations that the Auditor General directed to us, and work is well under way, with all deliverables due to be completed by the end of 2022.

Specifically, the first recommendation speaks to issues with inspection and complaint handling and protecting residents in retirement home beds that are exempted from the Retirement Homes Regulatory Authority's oversight under the Retirement Homes Act. The ministry has established an internal advisory committee with key ministry

partners to discuss cross-sector issues, including addressing short-term transitional care and subsidized beds in the retirement homes.

The second recommendation asks that the ministry evaluate whether the Retirement Homes Regulatory Authority should oversee the fees-for-care services and recommended that the RHRA require all licensed retirement homes to make price lists more accessible. The ministry has worked with the Ministry of Municipal Affairs and Housing to research, analyze and prepare some initial policy options and preliminary proposals to make headway on this recommendation.

The third recommendation calls for an improvement to the Retirement Homes Regulatory Authority board of directors governance and the oversight of its operation. The ministry recognizes that there is an opportunity to work with the RHRA to broaden the list of skills and competencies for board members to include consumer, resident and tenancy knowledge, and we will do so.

The fourth recommendation calls for improvements to the way the ministry oversees the Retirement Homes Regulatory Authority. Discussion is well under way with the RHRA on how to refresh and strengthen the memorandum of understanding to effectively respond to this recommendation.

The fifth recommendation was for the ministry to take lead responsibility in coordinating effective overall services for seniors with other ministries that also have a mandate to provide or oversee seniors' congregate living and care services. I'm pleased to say that the ministry has already begun developing a cross-government strategy, with the support of multiple ministry partners who have the accountability for supportive housing, seniors' housing and long-term-care homes; specifically, the Ministry of Health, the Ministry of Municipal Affairs and Housing, and the Ministry of Long-Term Care.

Work on the recommendations is well under way, and we are indeed on track to finish all ministry deliverables by the end of 2022.

I will now turn it over to Mr. O'Neill to take the remainder of the time for opening remarks.

Mr. Jay O'Neill: Thank you, Deputy Minister.

My name is Jay O'Neill. I am the registrar and CEO of the Retirement Homes Regulatory Authority, also known as the RHRA.

Good afternoon, and thank you for the opportunity to address the Standing Committee on Public Accounts. Joining me today is Todd Ruston, RHRA director of regulatory operations, who will assist me if necessary.

1240

The RHRA provides Ontarians with the choice and the protection required to live with confidence and dignity in retirement homes, in accordance with the Retirement Homes Act, 2010. We employ the most effective means to achieve compliance, reduce harm, help residents make informed decisions, and enable a stable and diverse sector. We are advisers to government on matters related to the act and to seniors living in retirement homes.

Our sector continually evolves, and we continue to prepare for what lies ahead within the context of a complex ecosystem. Everything we do revolves around those who make retirement establishments their homes, so I would like to start there.

The average resident in a retirement home is 86 years old. Some 70% are women. Most receive care from the home or from external care providers, and approximately half are long-stay home care clients to their local health integration network, or LHIN. Retirement homes are diverse in terms of size and care services provided, and some are co-located with long-term-care facilities.

We welcome the Auditor General's recommendations. They inform our priority-setting, and I'm pleased to report we have already integrated them into our strategic and business plans. The recommendations align with work already under way in our strategic focus areas, which include: enhancing our regulatory approach for improved compliance; providing strategic information through data and analytics; enabling informed decisions through communication, education and outreach; and optimizing consumer protection and choice through transparency, accountability and public reporting.

As the registrar and CEO, I am accountable to ensure our team delivers on our mandate by setting best practices and regulatory oversight in achieving optimal outcomes for those we serve, the more than 60,000 people living in 774 licensed retirement homes across Ontario.

We appreciate the Auditor General's acknowledgement that the RHRA has made considerable progress since regulation of the sector began 10 years ago. We have also made strides to address the findings in her report, a few of which I would like to highlight today.

The recommendations focus on:

- systemic gaps where regulatory protection for people living in retirement homes are not within our jurisdiction;
- the need for us to collect, access and track more robust data on matters such as care requirements and residents awaiting long-term care;
- using inspection frequency criteria beyond past performance;
- more timely and transparent complaint management processes; and
- increased awareness of the RHRA as a go-to authority on home performance.

We continue to identify on a risk-informed basis, and follow up with enforcement steps if warranted, those congregate settings that previously did not meet the legislative definition of a retirement home under the act, but that may need to be monitored for changes in their circumstance.

The Auditor General recognized our peer-reviewed and expert-validated risk framework that enables resident harm reduction through a foundational outcomes-based approach. This continues to evolve and drives decision-making with our inspections, compliance and enforcement processes. We allocate resources to best mitigate the highest risks of resident harm and work closely with and monitor homes that fail to comply with standards.

We have been expanding and will continue to expand the model to include more robust data and indicators. For example, having received the applicable designations, we are now in a position to establish a memorandum of understanding with the Ministry of Finance to data-share on fiduciary matters.

The authority is well-positioned to be an active partner with government in the oversight of licensed retirement home suites outside our jurisdiction. Identifying a means to confirm which homes have transitional care beds is under way, and reactive inspections continue to occur where allegations involving subsidized residents may impact care and safety. We are increasing resources to enable even more inspections to be completed.

In addition to ministerial approval of our access-to-information policy to collect aggregate resident and profile information, we have submitted a request to Ontario Health to obtain data on residents awaiting long-term care. We are collaborating with the ministry to enable effective collection and allow for improved data-sharing among our partners.

We will resume our licence-class evaluation project, paused due to the pandemic, to assess methods of segmentation of retirement homes according to factors such as care complexity to ensure these are comprehensively considered in the regulatory oversight process. We also conduct checks to ensure licence eligibility, including financial irresponsibility indicators. Our team works closely with applicants to mitigate risk and support compliance before enforcement action is required, recognizing how disruptive licence revocation and relocation is for residents.

Our ongoing program of sustained regulatory modernization continues to include more flexible approaches to inspection that consider home-specific resident profiles, compliance history and risk assessment. We have identified means to improve systems and processes and are allocating more resources to ensure non-compliant licensees are escalated to and assessed by enforcement staff when appropriate. More resources dedicated to monitoring and evaluating compliance with enforcement action are in place. We regularly consult with our resident network, health care partners, other regulators, seniors advocates, industry associations and operators to understand any impact of our decisions on residents and the sector at large.

Direct resident engagement is vital. Our multi-year communication campaign based on qualitative and quantitative research will raise awareness of resident rights and our role as regulator, including how to identify harms and file complaints. Through the legislative review process, we will work with the ministry to identify methods for improved direct communication with residents and substitute decision makers.

We provide training to inspectors on trends and strategies and are amending our compliance assistance program to mitigate common complaints. We are also refining processes for complaints outside our jurisdiction to seamlessly refer them to the appropriate regulatory body.

Enhanced information will be more accessible and user-friendly through our retirement homes database. We are also resuming plans to establish a public report card.

Finally, I want to acknowledge the impact and challenges of the COVID-19 pandemic on residents and families. We supported government and homes in a residents-first response to this clear and present threat. Our ability to quickly communicate public health directives and address risks saved lives. We were able to manage increased workloads and directly protect resident safety and well-being. We continue to provide guidance on visitor allowances to residents, families and operators, and to provide public information to help keep everyone safe. Our front-line leaders continue to go to extraordinary measures for seniors during this unprecedented time—from enabling an elderly woman to safely attend her spouse’s funeral, to advising on infection control measures, to making nighttime visits to confirm adequate staffing at homes.

I’d like to thank Auditor General Bonnie Lysyk and her team for their observations and recommendations that inform our work.

Thank you to the members of the Standing Committee on Public Accounts.

We are very energized by our path forward and our role within this crucial sector.

On behalf of the deputy minister and myself, we welcome your questions.

The Acting Chair (Mr. Peter Tabuns): Thank you very much for those presentations.

This week, we’ll proceed in the following rotation: 20 minutes to the government members, 20 minutes to the official opposition members. Should an independent member be present, they will get three minutes. We’ll follow this rotation for two rounds. For the third and final round, we’ll split the remaining time evenly between the government and opposition members, and again, if an independent member is present, they will be allotted three minutes for questions at the end.

We will start with the government. MPP Wai, the floor is yours.

Mrs. Daisy Wai: Thank you very much for the presentation from both the deputy minister as well the RHRA registrar, Jay O’Neill.

1250

I go through the Auditor General’s report and—I’m sure we all reviewed that—they have 26 recommendations for the RHRA and five for the ministry. I just want to see, out of those recommendations, how much of that we have already been working on, how much of that we still have yet to work on, what other specific measures have been implemented, and what is the progress that you’re expecting. I understand you’ve done a lot of work on this already, but I still want to see what is the plan of progress and your response to the recommendations. Denise?

Ms. Denise Cole: Thank you, MPP Wai, for that question.

As I indicated in my remarks, and as you point out, there are the five recommendations that have been directed at the ministry. We have commenced work on all five of

the recommendations. We do have a detailed plan in place to address all five recommendations and, as I indicated, work is already under way, such as with the ALC and subsidized beds.

We have established a committee to work with the Ministry of Health and the Ministry of Municipal Affairs and Housing, because they also provide supports to subsidized beds in retirement homes through municipalities. We have also been looking at, with municipal affairs and housing, the issue around service fees and price lists because, as members will recall, the retirement homes are also governed by the Residential Tenancies Act, so we need to work quite closely with the Ministry of Municipal Affairs and Housing on that.

As the deputy, I’m very confident that we will be able to respond to all five of the recommendations by the end of next year, 2022. We are working quite closely with the RHRA on the recommendations that were directed to them, because there are some of those recommendations that have an interplay with the ministry.

I will turn it to Mr. O’Neill to respond further.

Mr. Jay O’Neill: Thank you for the question.

As outlined, there are several recommendations that are made in the Auditor General’s report that was released in December 2020. We, as the RHRA, as already indicated by the deputy minister, have been working collaboratively with them on a robust implementation plan for all of the recommendations. From the RHRA perspective, we have prioritized those that have a more immediate reflection of actions to take within the context of the pandemic. So among some of the actions and recommendations that we’ve already implemented, we have taken steps to address the recommendation from the Auditor General about publication of data on case and death information in retirement homes. We have taken steps to include infection prevention and control measures; there were recommendations on that front. To that end, we have taken action by implementing, in our standardized, routine inspection process, more robust infection prevention and control steps.

We have also created a guideline that we issued in October of last year, and subsequently produced what we referred to as a compliance assistance module to help educate homes in understanding their IPAC obligations. We have taken steps to supplement our resources, specifically in the area of compliance support and compliance monitoring.

One of the recommendations related to oversight of enforcement actions. We have seen an increase in enforcement actions over the past year, and we felt it was very important for us to supplement our resources on that front. So we’ve taken action on that recommendation, as well.

We’ve also taken action—one of the Auditor General’s recommendations was to develop a roster of managers that could be used when we are using our management order enforcement powers. We have taken that step and established that program more rigorously since the report was released.

There was also a recommendation as it related to homes that were outside of the definition of retirement home—

previously established as homes outside of the definition. We have taken steps to revisit that. There were 234 of those homes that were identified as part of the report. We have subsequently addressed 115 of those, and those are making their way through a final manager review to make sure that nothing has changed in their circumstance and they are not required to be licensed.

One of the important recommendations and themes in the Auditor General's report also was with regard to data and obtaining data for our purposes and use in risk models and in other purposes, and one of the steps that we've taken since the report was issued was to obtain the minister's approval on criteria for information collection. This will give us a framework by which we will be able to collect information directly from homes on resident health profiles.

And last but not least, and related, is steps that we've taken, as I mentioned in my opening remarks, to commence data-sharing agreements with other organizations; notably, Ontario Health and others. Sometimes these arrangements can take a while to arrange, and so we thought it was important for us to start that initiative as quickly as we could.

That's a highlight of some of the actions already taken. There are a number of others that we have plans in place and have formed plans for, for the balance of our current year and subsequent year, and we'll look forward to implementing those in collaboration with the ministry.

Mrs. Daisy Wai: Mr. Chair, how much more time do we have?

The Acting Chair (Mr. Peter Tabuns): You have about 12 minutes, MPP Wai.

Mrs. Daisy Wai: Okay. I understand that we were also requesting to develop a schedule of reporting requirements. Is that also already in the process?

Ms. Denise Cole: I'm sorry, MPP Wai. Can you just elaborate a bit more on the question, in terms of reporting?

Mrs. Daisy Wai: All right. One of the recommendations is to develop a schedule of reporting from the RHRA. Are they also in the process of improving on that?

Ms. Denise Cole: Yes, in terms of the recommendation pertaining to the ministry's oversight, if that is the one that you are referring to, directed to the ministry, we do fully acknowledge and recognize that there are opportunities for the ministry to improve its oversight of the retirement homes. That is why we are working on the memorandum of understanding that will clarify and build into the MOU reporting requirements and the minister's expectations from the RHRA and the things that the minister expects from the RHRA in terms of the reporting and information that is required.

I'm going to ask ADM Cureton to elaborate a bit more on some of the specifics around that

Ms. Jacqueline Cureton: Thank you. My name is Jacqueline Cureton. I am ADM at the Ministry for Seniors and Accessibility.

Thank you, MPP Wai, for the question regarding the oversight, and thank you to the auditor for the recommendations regarding improving the oversight of

the RHRA. We have been and will continue to be engaged with the Retirement Homes Regulatory Authority with respect to the elements of oversight outlined in the audit.

1300

With respect to your specific question, yes, we are in discussions regarding setting a timeline and deadlines for the oversight documents, as recommended by the auditor. We will also be requesting that the Retirement Homes Regulatory Authority establish targets for its performance indicators and publish actual versus targeted performance each year in its annual report, as we've indicated in our update to the standing committee. We will also be looking at other elements of the recommendation.

Mrs. Daisy Wai: Thank you very much. I'll share my time with MPP Barrett.

The Acting Chair (Mr. Peter Tabuns): MPP Barrett, the floor is yours.

Mr. Toby Barrett: Thank you, Daisy.

I appreciate the deputations this afternoon. It's quite informative.

I'd like to learn a little bit more about the inspection process and how we deal with complaints. I know Registrar O'Neill made mention briefly of complaints—or the deputy minister may want to answer this, as well. We know that our Auditor General highlighted that there were delays when it came to responding to complaints from the general public. As MPPs, of course, we deal with the general public. I assume families contact the home initially. On occasion, they would phone the area MPP. I'm not aware of a lot of calls coming in to my office; it's more on the long-term-care side, of course. But I wonder if we could just have a bit of a walkthrough on how the complaints process works at the regulatory authority.

Mr. Jay O'Neill: Thank you for the question. I'm happy to walk you through this process.

I think the place I'd like to start is just understanding what we mean by "complaint." That's an important component, from my vantage point, in that we do get several reports of—for the purposes of this, I will refer to them as "issues." When we get a contact or a reach-out on that front, the first question that we need to work through is, what is the nature of the issue that is being raised with us? When that issue hits a threshold of harm or risk of harm, then we consider it what is referred to as a "mandatory report," which is under section 75 of the legislation. That's an important distinction in terms of, when that threshold is met, that triggers a series of events. Irrespective of whether or not an individual would want to pursue a formal written complaint, once we've made the determination that that threshold has been met, then the RHRA will pursue that process.

In order to give you a bit of a sense of the magnitude, we received just about 1,100 mandatory report contacts last year. These lead to inspections and sometimes can be done remotely, depending on the nature of the specific issue. Because of the fact that they are related to potential harm, these are treated very expeditiously. It typically takes us five to six days to close a mandatory report. The reason I identify that is that many individuals who raise an

issue with us are happy to have their issue addressed through the mandatory report process. That will yield frequently, obviously, an inspection. If there's a finding that there's non-compliance, that might yield additional enforcement action and so forth.

There are instances, of course, where individuals would like to pursue a more formal written complaint. Many of the Auditor General's recommendations refer to that process. When an issue first comes in, though, it could be identified as being handled both as a mandatory report and/or a complaint at a later time.

In terms of how to handle the complaints and some of the process elements and some of the improvements we're making: When we do get that issue, if we're working through with the complainant on identifying exactly what the problem is, what their concerns are, it's most common that complaints involve several concerns that may or may not relate to the legislation, so we work through those individual concerns. More often than not, there's more than one concern when someone is contacting us.

Part of the process that we have been working on is that we recognize that the earliest intervention is the best. If we can improve our communication to an individual who has raised an issue and address their concern through the mandatory report process, that eliminates the burden on them of having to go through a formal written complaint. Of course, we still welcome those and will continue to process those.

One of the things that we've been doing in recent months—we introduced it over the past year—was what we refer to as early intervention strategies to try to address those complaints for complainants. We've also introduced what I refer to as transactional surveys: After a person has gone through the complaint process, they will get the opportunity to provide feedback on how they felt the interaction went.

In terms of the specific complaint process itself: If we assume that an individual would like to pursue a written complaint, we work with the individual to do so. As I mentioned, we do the assessment of the scope, determine the actions that we should take, whether that can be done remotely or whether it requires inspection. As I mentioned, there are typically several different concerns in any particular complaint.

It would be at this stage of the complaint, if something is not within the RHRA's scope, that we would inform the complainant that they needed to address their complaint with another regulatory body. That was one of the recommendations the auditor made that we very much support—although we do that verbally, we could improve our process by communicating that in a written form, as that process is unfolding.

The Acting Chair (Mr. Peter Tabuns): Just a note: You have two minutes remaining.

Mr. Jay O'Neill: Thank you.

From there, depending on the nature of the complaints, we have an inspection process frequently, a determination from that of next actions to address certain kinds of complaints. There's feedback to the complainant. Often, there

is need to have a second inspection to see whether or not the issue has been redressed. Those are some of the reasons that written complaints tend to expand in time. There's a series of things I think we can do to intervene and speed up that process, including the recommendations made by the Auditor General.

The Acting Chair (Mr. Peter Tabuns): Mr. Barrett?

Mr. Toby Barrett: I appreciate the formal process, and I would hope most of the issues don't come to that. I'm assuming a lot of them are solved over the phone or there's a misunderstanding—sometimes a call-back to the facility itself. The informal process must work as well, does it? Of course, a lot of people don't like to complain, or they would want to remain anonymous. They don't want to influence what goes on in the home. Is most of this done through just an informal process?

Mr. Jay O'Neill: We're certainly trying to use that more frequently. I do try to be mindful that we want to make sure we don't discourage formal complaints when an individual wants to pursue those. But we do find that, more often than not, early intervention is the fastest and quickest way to redress the issue, absolutely.

The Acting Chair (Mr. Peter Tabuns): I have to say that round of government questioning is now up.

We go to the official opposition. MPP Singh, the floor is yours.

Ms. Sara Singh: I will be sharing my time with MPP Gélinas, as well as MPP Bell, as time permits.

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I want to thank everyone for being here today and for answering some of our questions.

I'd like to pick up on the theme of inspections that we were just discussing. MPP Barrett highlighted that in his office, he's not getting calls related to the Retirement Homes Regulatory Authority; in my office, I certainly am. There are a number of concerns with respect to the complaints process and transparency and accountability for families who are making complaints. In many instances, family members have made complaints and yet nothing has been done to remedy the situation. I would be curious to hear from you all different perspectives on how you think these mechanisms can be strengthened. There are certainly examples where the complaints process is, I think, demonizing families who are trying to seek access to care for their family members or raise concerns that they have, because of the way the current process is structured.

Ms. Denise Cole: I will start and then hand it over to Mr. O'Neill.

As you know, the RHRA is a delegated authority and is independent from the ministry, and the registrar maintains the independence to make decisions around complaints, inspections, licences and so forth. That being said, at the end of the day, the minister and the ministry is accountable for the administration of the Retirement Homes Act.

As with all processes, there are always opportunities for improvement. The Auditor General pointed some of that out in her report; for example, around management orders in the context of COVID-19. The government did make some changes to the regulation under the Retirement

Homes Act to strengthen the RHRA's ability to issue management and compliance orders if a resident is not safe or is at risk of harm of COVID-19. The registrar and I meet monthly, at a minimum, and these are some of the things that we do discuss in those conversations: What are the opportunities for improvements? What are the trends that we're seeing? What are we hearing—speed of resolving issues, and those kinds of issues.

So although the RHRA is a delegated authority and is independent from the ministry, we do have a vested interest in ensuring that the oversight of retirement homes is as strong as it can be.

I will turn it over to Mr. O'Neill.

Mr. Jay O'Neill: Thank you for the question.

I would like to start by first commenting that, for us, the complaint process and issues raised, whether that's from residents or family members or community partners—which also, of course, happens—is a critical part of our overall regulatory oversight regime. I think it's fair to say that no regulatory oversight body will be everywhere all the time, and so we need everyone to be the eyes and ears for what's going on in these homes and, if you see something, to say something.

There are many things we are doing on that front. I highlighted a couple of the process elements earlier. There are a few other elements I'd like to emphasize. The first would be that we have made, as I noted, some changes in the process already; there are several others that I think we could do in the formal written process. But I would also like to highlight that I think we're still in early days to see some of the true impacts of the changes we've already made. I am very interested in understanding how people experience our complaints process. That is, I think, an excellent measure for understanding whether or not they felt that we were of use to them. It's a critical aspect for us, and that's why we've implemented what I refer to as transactional surveys to understand how they experience the process.

To the comment about making sure folks understand there is a body that can help intervene: That has been a very important element for us. As a new regulatory body in a sector that is very diverse, that has been a bit of a challenge. I think that was included in the Auditor General's report as well, in terms of the general awareness of us. We have taken several steps to try to increase that awareness level, specifically among residents and family members who are experiencing retirement homes or making a decision, potentially, to move into retirement homes. We've done that through a communications campaign, which we launched at the beginning of 2020. We suspended for a few months when the pandemic first commenced but resumed in September. We are already starting to see significant impact from that. We've seen about a 35% increase in users on our website, with the dominant pages being related to the resident bill of rights and how to file a complaint, which was the focus of our campaign. So we're very interested in making sure that those individuals who have a concern raise it with us.

The other aspect I'd like to address is, when we do go through a formal complaints process, there is a process

whereby a complainant—we keep in touch with the complainant throughout the process. When we have determined that we can take no further action as the regulatory oversight body, we inform the complainant of that. That's documented in a decision letter.

The complainant also has the opportunity, at that point, to have that decision to take no further action reviewed by a complaints review officer. This is an independent statutory decision-maker from my role as registrar. It's a role that reports to the board of directors. That person's role, essentially, is to review the reasonableness of my decision as registrar to take no further action into a particular complaint. I think that's an important thing to acknowledge.

Very frequently, the complaints and the issues that we're dealing with in retirement homes are complex and difficult. Frequently, there's not a very clear answer to those, and often, it's quite an emotional thing for everyone involved. So from my vantage point, we try to have very clear criteria for where we're intervening and how we do that—but also recognize that there's an outlet for those who may want to have their concern or their issue reviewed by another party to assess whether or not we've taken reasonable steps.

Ms. Sara Singh: Thank you for that response.

I think there are still several concerns that exist for families with respect to the complaints process, and I understand that the recommendations and the implementation of those recommendations are still under way. However, I think what families are hoping for is greater transparency in those decision-making processes, as well as then understanding what the outcomes are of those complaints.

That will take me into my next question around the outcomes of those complaints and what happens to, let's say, a retirement home that removes the doorknobs from their residents' place of home. These types of situations are happening, and many of those families were horrified to learn that there weren't proactive inspections taking place and that it really took an outcry from the community for there to be some form of intervention. This really places a great deal of onus on the residents and the family members to be complaining about the service, rather than proactive inspections taking place.

The report clearly outlines some oversight gaps with respect to these inspections, and I would be interested to understand what is being done to ensure that more proactive inspections are being done, that complaints—even if, perhaps, the outcome is not one that results in an immediate action, perhaps there is an inspection that's done in that home as a result of the number of complaints that may come from that home.

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What is being done to ensure that there are more proactive inspections, and that the gaps in understanding the issues in our retirement homes are being adequately addressed?

And then I will pass it over to France for the next line of questions.

Ms. Denise Cole: In my opening remarks, I referenced that the ministry is doing a review of the Retirement Homes Act to make sure that it is still fit for purpose and is still meeting the needs of residents and safeguarding residents. Part of that review will be looking at, what are the gaps, currently?

The landscape of retirement homes has changed significantly over the last decade. I was appointed deputy minister to the ministry—it will be two years in July, actually—and as part of being a new deputy, and new to the ministry, I did do a visit of retirement homes. I met with operators and so forth. It was coming out of that, as the deputy—and also ADM Cureton—and asking that fundamental question, is the Retirement Homes Act still appropriate given the shift that we have been seeing in the landscape of retirement homes over the last number of years?

Going back to your question, part of what we will be looking at as we undertake the review of the act is whether there are opportunities to improve the inspection process and the complaint process—looking at best practices in other jurisdictions, not only in Canada, but globally as well, so that we can learn from those experiences.

So it's very much coming at the review from a comprehensive lens, but also a lens of continuous improvement.

With that, I will hand it over to Mr. O'Neill.

Mr. Jay O'Neill: Thank you, Deputy. And thank you for the question. It is a very important question.

I would like to open my remarks with respect to the inspections process and the nature of proactive inspections.

As noted in the Auditor General's report, we have adopted a risk model that is founded on principles that are, frankly, best in class in regulatory oversight. One of the key elements of that risk model is, it's foundationally built upon observed harms in retirement homes. The reason I start here is that grounding is what allows us to determine the frequency of inspection. It allows us to determine the changes that we should make over time with regard to the frequency of inspection. It also allows us to monitor impact over time.

From a how-we-approach-that perspective, I think that's the next important step, which is—the way the legislation is currently constructed, an inspection needs to happen at least once every three years. We have taken the view in our execution of the requirement that we interpret that to be only a routine inspection, which means a proactive inspection, and that all other inspections are supplemental to that.

The net result of that is that our inspection frequency has been such that we are getting into homes more frequently. Historically, we've been in about 550 homes each year with some form of inspection. That's, I think, an important component to the overall approach and model.

As also highlighted in the Auditor General's report, there is a need—and we completely agree with this—to continue to build out that model to inform frequency. That would include factors such as complaints. It would include

factors such as mandatory reports that maybe aren't dealt with outside of the inspection process. It includes other factors such as resident profile information. That's why we've prioritized addressing some of those data collection elements very quickly.

I would entirely agree that the opportunity for us to continue to refine the risk model based on other data elements is a really critical component to us in the future making sure that we have the right amount of proactive inspections, to balance with other regulatory oversight measures—because I don't want to discount the utility of other programs, other than inspection.

Compliance support where we've identified a home as struggling to achieve compliance is a very useful intervention to improve the compliance of a particular home.

So there are tools that we employ other than just inspections—but it's a critical one, certainly, for identifying issues that are out there.

I would summarize by saying monitoring the risk model, adding data elements to the risk model so that it's as robust as it can be—that will never be a goal that we achieve; that will be something that we chase in perpetuity. That's how I think about it. What we really need to do is focus on continued improvement. We've been doing it on an annual basis, and I think the Auditor General's recommendations, frankly, are spot-on and they give us good cause to try to accelerate our efforts on that front so that we can achieve the ultimate goal, which is to see a reduction in the number of harms that occur in retirement homes. That's my ultimate *raison d'être*, I think.

Ms. Sara Singh: Chair, how much time do we have left?

The Acting Chair (Mr. Peter Tabuns): You have two minutes and 45 seconds.

Madame Gélinas.

M^{me} France Gélinas: You've mentioned a number of times your transactional survey that you've started. Do you put those results together? Can you share them with us? You've talked about 1,100 mandatory complaint follow-ups. Do you have trends from those that you can share with us? Is this information available?

Mr. Jay O'Neill: Thank you for the question.

We engaged with a third party to do all the evaluations and the survey work, and provide us back with the trends. This was a program that was just implemented a little over a year ago, so we only have preliminary information, so I'm not able to share trends. But that is absolutely something that we plan on doing. In terms of making it available and public, absolutely, we intend to do so. We just don't have the information as yet.

M^{me} France Gélinas: And how about the 1,100 mandatory complaint follow-ups? Do you have trends coming from this, or from years before, when you did the mandatory follow-ups?

Mr. Jay O'Neill: I'm not sure what you mean by trends in that particular circumstance.

M^{me} France Gélinas: Were they complaining about the food, the heat, the cleanliness?

Mr. Jay O'Neill: Yes, we do. We do have an understanding of those issues. The largest category of concerns brought up through that is really with regard to care and how the care has been provided and, if I can say, related issues on that front. That is the single largest category, for sure.

The Acting Chair (Mr. Peter Tabuns): One minute left.

M^{me} France Gélinas: And what would be number two?

Mr. Jay O'Neill: Number two is, in general—I'll call it—treatment. We classify it under our section of potential abuse. So that would be not necessarily related to the delivery of the care but some other form of treatment in the homes.

M^{me} France Gélinas: Can you give me an example?

Mr. Jay O'Neill: It could be something such as a verbal approach to the way a resident is handled by a staff member. That would be an example that would be in that category.

M^{me} France Gélinas: Okay, as opposed to care?

Mr. Jay O'Neill: As opposed to care, yes.

M^{me} France Gélinas: And you mentioned that you consult with the resident network. What is the resident network?

Mr. Jay O'Neill: The resident network is a relatively recent initiative that we've established—

The Acting Chair (Mr. Peter Tabuns): I'm sorry to say we're out of time.

We now go to the independent. MPP Blais, you have three minutes.

1330

Mr. Stephen Blais: Thank you for coming to committee today.

Are there still concerns with external care providers being barred from entering homes?

Ms. Denise Cole: I can start off, and Mr. O'Neill can respond.

External care providers are not barred from entering retirement homes. In fact, over 40% of retirement home residents receive their care from external care providers such as PSWs, who are provided through the LHINs.

Are you talking about essential care providers in the context of COVID-19 and the visitors policy?

Mr. Stephen Blais: Yes.

Ms. Denise Cole: We have made adjustments on and off throughout the pandemic. Currently, if a family member or other is designated as an essential care provider, they are allowed and enabled to visit their loved ones in the home.

I will ask ADM Cureton to provide some more details on the policy around the implementation of directive number 3 that is issued by the Chief Medical Officer of Health. That's what the policy is meant to do—assist retirement homes with implementing the directives.

ADM Cureton?

Ms. Jacqueline Cureton: Thank you for the question.

Following the peak of the first wave and the reopening of the province in spring 2020, the Ministry for Seniors and Accessibility worked with the Ministry of Health to

establish a reopening policy for retirement homes, also known as the “visiting policy.” That was to help the sector identify the required precautions and procedures as the province monitored the ongoing outbreaks and cases across Ontario.

Since that time, the ministry has worked with the Ministry of Health and the Ministry of Long-Term Care to evolve the visiting policy based on sector feedback, public health partner feedback, and also keeping in mind the need to align retirement home policies with long-term-care policies to really facilitate implementation, particularly among co-located homes—those homes that are co-located with long-term care. We certainly have amended the policy—

The Acting Chair (Mr. Peter Tabuns): I'm sorry to interrupt, but we're out of time.

We now have to go to the government. MPP Cuzzetto.

Mr. Rudy Cuzzetto: I have been reading the Auditor General's report. It seems that this system, which was established in 2010, has many players involved when talking about responsibility. The Auditor General highlighted that in the retirement homes, some beds are subsidized by the Ministry of Health; however, because these are beds are subsidized by the Ministry of Health, the RHRA is exempt from overseeing these patients. I'm also aware the government is doing its best to address these gaps.

Deputy Cole, could you elaborate on what measures are being implemented, and on the White Cliffe incident of the door handles being removed? Was that removal of the door handles asked for by the owner of the residence, or was it taken on by a worker, on their own behalf?

Ms. Denise Cole: I will ask the RHRA to respond to the White Cliffe elements of your question, as they were the ones who would have undertaken the investigation inspection into that.

With regard to the ALC beds, the ministry very much agrees with the Auditor General that it is important to ensure that there are appropriate protections for all residents in retirement homes, including those in subsidized beds that may not currently be regulated by the Retirement Homes Act.

As you pointed out, the Ministry of Health has jurisdiction over alternate-level-of-care residences, hospital discharge policies and the short-term transitional care program.

That being said, the ministry will be developing a strategy with the Ministry of Health on how to respond to this recommendation, and we'll have more to say about that in the weeks and months ahead. The ministry will work to address gaps in inspections and resident complaint handling to ensure that oversight responsibility on the complaints process is communicated to those residents and their families.

As I mentioned in my opening remarks, the ministry has established an internal advisory committee that will discuss several cross-sector issues, including alternate-level-of-care and subsidized beds. As you point out, there are a number of actors in the retirement home space and

different legislation—such as not only the Retirement Homes Act, but the Residential Tenancies Act, as well.

The committee that has been established includes representatives from health, long-term care, government and consumer services, and municipal affairs and housing. Terms of reference have been established for the committee, and the terms of reference outline the committee's mandate to support the development of strategic review recommendations and coming up with clear policy options as to how to address that gap.

The ministry is also committed to working collaboratively with our partners and the Retirement Homes Regulatory Authority to clarify roles and responsibilities. Through our ongoing consultation and collaboration, the ministry will assess feasibility and resourcing impacts and will determine a recommended approach to inspection and complaint handling for the alternate-level-of-care and subsidized beds in retirement homes. As well, the ministry will pursue any required legislative regulatory changes as we're developing options—to be able to provide the minister and the government around our best advice around any legislative and regulatory changes that may be required to address and respond to the Auditor General's recommendations around the ALC beds.

I will turn it over to Mr. O'Neill to deal with the White Cliffe question.

Mr. Jay O'Neill: Thank you, Deputy Cole.

If I may just make one brief comment with respect to the issue of the ALC issue—the RHRA is in a fairly good position to be able to help support this, and we really look forward to working with the ministry in their review of the legislation.

As Deputy Cole just mentioned, there are a number of different circumstances that we see in the province. We do continue, currently, to address complaints if we receive them, irrespective of whether or not they're reflective of residents in a retirement home who may be funded through an exemption. We do pursue those to the best of our ability, but we are certainly keen to be a partner in finding a longer-term solution to any oversight gap that exists.

With respect to the question on the White Cliffe home, I think the question was related to what the circumstances were and how that came to pass. This was an example where we had a staff member in a home who, I would like to specifically point out, did the right thing: They were concerned with what they observed in the home, they provided the RHRA with a notification that they were concerned about what they saw going on in the home, and that prompted us to go and do our inspection and investigation. We were able to observe the circumstance. We contacted Durham regional police to share that information, given our level of concern.

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In direct answer to the question: In that particular instance, it would appear that there were local staff members who decided that this was an appropriate method of addressing concerns with particular residents. It was in the context of an outbreak. Our inspection uncovered

aspects that we felt were not compliant with the legislation, and that is contained in the inspection report, which is part of our public database and available.

I'm not able to talk about subsequent actions, as that is still in consideration, so it's not yet public, but obviously it's a situation that we're reviewing closely.

The Acting Chair (Mr. Peter Tabuns): Further questions?

MPP Crawford, the floor is yours.

Mr. Stephen Crawford: My question is to Deputy Cole regarding increasing levels of care.

There's no doubt that the pandemic has created unique challenges for our health care system—and it's not only here in Ontario; it's throughout Canada and, indeed, throughout the world. It doesn't matter what type of government is in place; it has obviously been very challenging.

I get the sense from the Auditor General's report that because of the stresses on the current health care system, retirement homes seem to be providing increased levels of care to residents, like long-term-care homes.

I'm just wondering how the ministry is addressing these challenges. Are there plans to work with long-term care or any other ministries to address these recommendations specifically relating to increasing levels of care?

Ms. Denise Cole: Thank you very much, MPP Crawford, for that question.

The pandemic has indeed caused stresses across systems and, as well, in the retirement homes sector. The government has provided financial support to the sector to address such things as IPAC, infection prevention and control, to assist with staffing levels in the retirement homes.

With regard to the Auditor General's specific recommendation regarding the coordination of services across various ministries—and as I mentioned in my opening remarks, the ministry is still relatively young in the context of government ministries. One of the things we have been grappling with as the ministry and engaging in conversation and have been doing some very focused thinking through of is our role as a population-based ministry that is focused on older Ontarians and persons with disabilities; and how, as a ministry, we execute our responsibilities as a system-level steward, and how we can be an influencer across the Ontario public service with regards to helping to shape policies that impact older Ontarians. As an example, a new support that the ministry is currently working on is to develop a seniors lens, if I can refer to it as that, that can be applied across government when decisions—policy decisions, program decisions, initiatives—are being looked at, to ensure that the needs of older Ontarians are being factored in and addressed.

With regard to the Auditor General's specific recommendation: Again, this is another one of those recommendations that we very much appreciate. It does remind us of the ministry's commitment to improving the lives of seniors and providing the supports and resources to help them live independently, ensure their safety and security,

connect them to the community, and help them achieve greater financial security and social connections.

So we do agree that the province needs a coordinated seniors' housing policy framework to improve the coordination and effectiveness of services to seniors. Our mandate, as I mentioned, is to be that steward across government that's focused on the needs of older adults, seniors and people with disabilities. That strategy is the foundation for the ministry's work, with accountable ministries, partners and stakeholders to inform and influence policy and program decisions that impact our positions.

As I've indicated, we have already begun work on this recommendation and have been working closely with partner ministries—the Ministry of Municipal Affairs and Housing, the Ministry of Children, Community and Social Services, the Ministry of Long-Term Care, and the Ministry of Health—to be able to come up with well-thought-through, evidence-informed options that we can recommend to the minister and to government around how best to respond to that recommendation. This is one that the ministry had already started to do some work around before we saw the auditor's recommendations around the need for better coordination of housing support for seniors—what's the value chain, and what is the continuum of needs across the population of older Ontarians, recognizing that they are like any other segment of the population? It's very diverse and has different desires in terms of where they live. So we're very much working with partner ministries to come up with a coordinated strategy.

ADM Cureton?

Ms. Jacqueline Cureton: I also wanted to point to some elements of the Retirement Homes Act that create standards for resident care, with respect to your point around increasing levels of care. The Retirement Homes Act creates standards for resident care, protections for residents' safety, and enables them to make informed choices about their care. The Retirement Homes Act requires an assessment when a resident moves into the retirement home and a reassessment at least every six months. The result of each assessment or reassessment is the development of a plan of care, which includes the services that the resident is to receive, and the details of those services.

This speaks to your question around increasing levels of need: If an assessment indicates that the resident's care needs exceed that which can be provided by the retirement home, the resident must be informed of their alternatives to living in the retirement home, including applying for publicly funded home and community care services, purchasing services from an external care provider or moving to alternate accommodations. This could, for example, be provided by another retirement home offering the care services required by the resident.

If the resident's assessment indicates that he or she may be eligible for long-term care, the retirement home must provide information about admission to long-term care.

So I just wanted to address question specifically, as well.

Mr. Stephen Crawford: I'll pass it to my colleague MPP Parsa.

The Acting Chair (Mr. Peter Tabuns): MPP Parsa, the floor is yours. You have about four and a half minutes left, sir.

Mr. Michael Parsa: As always, I want to thank the Auditor General and her staff for the work in providing us with the report. I also want to thank each and every one of you for not only appearing here today, but also for the work that you have done during the pandemic. All of you have highlighted what the ministry and the RHRA have done to address some of the Auditor General's recommendations.

I would like to move on to preventive measures.

As was just mentioned by my colleague MPP Crawford, it's not a secret that this pandemic has taken an immense toll on the residents in homes, the front-line workers for sure, and all the families of the residents.

What I want to know is what the ministry has been doing, working in partnership, to tackle COVID-19 and to control the spread of the virus, and to prevent outbreaks in retirement homes. I know the IPAC measures that were just mentioned have been helpful. I know that pandemic pay support for front-line workers was helpful. I know that there were supports provided for security personnel to be able to keep the residents and the staff safe. Those were all helpful. I'm wondering if you can just take me through, perhaps, some of the work that has been done by the ministry and the RHRA to specifically control the spread of the outbreak. This was a concern in recommendations 5 and 10 of the Auditor General.

1350

Ms. Denise Cole: Thank you very much, MPP Parsa, for that question.

I will run down some of the things we have done and, if time permits, invite Mr. O'Neill to talk about some of the things the RHRA has done.

The place I'd like to begin is the partnership that the ministry has had with not only the RHRA but the Ontario Retirement Communities Association, ORCA. I think of us as the three legs to the stool. To be perfectly honest, I'm not sure that we would have gotten through the pandemic thus far, in terms of focusing in on the needs of residents and staff in retirement homes, if it wasn't for that partnership. Very early on, we established a table where the three of us were meeting at minimum weekly—sometimes daily—at all hours of the day and night to be able to respond collectively to some of the issues that we were seeing.

As well, I think it's important to note that because retirement homes fall out of the spectrum of what we normally think of as health care—they weren't thought of as part of a health care system—the ministry really needed to play a leadership role not only with the RHRA and ORCA but across government to bring the needs and vulnerability of residents and staff in retirement homes to the fore.

Some of the things that have been done: The government, since the start of the pandemic, has allocated more

than \$60 million to protect seniors in the licensed retirement homes, and that primarily has been through increased infection prevention and control measures. As well, retirement home residents, staff and essential caregivers have been prioritized for vaccinations. As of April 16, according to the Ministry of Health database, approximately 90%—

The Acting Chair (Mr. Peter Tabuns): I'm sorry to say, with that, you're out of time.

We'll go to the official opposition for the next round of questioning, for 20 minutes. Madame G  linas?

Mme France G  linas: I would like to start with a question to Mr. O'Neill.

The auditor makes a number of recommendations. I am happy to see the openness you have toward implementing them. It is very reassuring, and I thank you for that.

I'm a little bit worried that some of the recommendations will mean increased budget pressure, for lack of a better word. They will cost you more. I understand, right now, you bill the different retirement home operators \$7.6 million. This is most of your operating budget to do what you're mandated to do.

What will happen if in order to meet your goodwill toward making change in line with what the auditor wants, you need \$2 million more? Where are those decisions made—that you will charge the retirement homes \$2 million more to oversee them? Who makes that decision?

Mr. Jay O'Neill: Thank you for the question.

In terms of the broad context, first of all, I thank you for the acknowledgement of the work that's ahead of us. It is a daunting list in many respects. I'm happy to report that it also aligns largely with the directions that we had been heading in. I think one of the calls to action with the Auditor General's observations is, in some ways—I'll maybe borrow her phrase from the report, which is to accelerate our work on some of the project elements.

There's no doubt that this will come with financial impact to our organization, as it has these past 12 months. We very much pride ourselves on being good stewards of the finances that we take, and in the years past, we had the opportunity to build a reserve which allowed us to weather the current storm. The practical reality is that we will need to be having a very close look at our resources, going forward.

In terms of the question about who makes the decision, as part of our memorandum of understanding with the government, there is a fee-setting policy that is outlined where the criteria for fee-setting are established, and that was approved by the minister, obviously, as part of the MOU. When it comes to the specific fee decisions, those are the realm of the board of directors. That is something we review with the board of directors annually. It's my role as the CEO and registrar to assemble the budget for what we think is going to be required and to table it to the board for approval.

We do have steps where, if we're going to make a change in our rates of anything more than inflation, we engage in a stakeholder process, so that there will be stakeholders having the opportunity to comment on any

changes to our fee schedule, as I say, that are greater than inflation. Certainly, our past practice has been to consider that feedback diligently before making any final decision about implementing a fee change.

Mme France G  linas: My next question will be to you, Deputy. First, it's always nice to see you, Deputy Denise Cole. I always appreciate seeing you and the good work that you do.

The response we just had always makes me really worried. We all know that retirement homes deal with very vulnerable adults: average age of 87, 70% of them are women, 50% of them would qualify for long-term care if we had long-term-care beds available. And yet, we leave the oversight, the protection of those vulnerable, mainly women, in the hands of a board of directors which holds stakeholder meetings before deciding, "We're going to pay for something that will protect these women, but if Chartwell, Revera and the rest of them say no—" I'm not comfortable with this.

Wouldn't your ministry have a role to play in the oversight of those captive 30,000, mainly women, 86 years old? Doesn't your ministry see a role for the ministry to oversee the protection of these people?

Ms. Denise Cole: Thanks very much, Madame G  linas. It's good to see you again, as well.

Yes, we do, and although the Retirement Homes Regulatory Authority is a delegated authority, at the end of the day, the ministry and the minister and the government are responsible for the administration of the Retirement Homes Act.

As I mentioned earlier, even before the Auditor General's report and recommendations, we determined, as a ministry, primarily from what we observed through the pandemic, that we needed to take a look at the legislation and think through what our role is in 2021 and beyond in the retirement homes sector in ensuring that residents are receiving safe, quality care from competent, qualified individuals. When the act was written in 2010, it very much came at it from a consumer protection lens as opposed to a lens of, what is the care that residents need to receive? That is the reason we are doing the review.

1400

And yes, we do have a role to play in enhancing our oversight. That's why we welcome and have approached the engagement with the Auditor General and her team throughout the audit with a spirit of collaboration and co-operation. We do see a need to strengthen that oversight and the legislation and very much will be looking forward to that.

In regard to the dollars, the RHRA has faced significant financial pressures as a result of COVID-19 in supporting residents and so forth, so the ministry has provided \$5 million to the RHRA as an emergency fund to assist with some of the costs associated with infection prevention and control, enhanced inspections and those kinds of things. We have indicated to Jay that we very much view the RHRA, even though they are a delegated authority, as a partner, and we do need to work in partnership to make

sure that collectively we are responding to the Auditor General's recommendations.

M^{me} France Gélinas: What the ministry is considering—

The Acting Chair (Mr. Peter Tabuns): MPP Gélinas, could we let MPP Bell in briefly? She's with us. I know you want to follow the line of questioning, but with home-schooling or schooling online, it may not be predictable.

M^{me} France Gélinas: Go ahead.

The Acting Chair (Mr. Peter Tabuns): Oops, it's very unpredictable; she has disappeared. I will go back to you. Sorry to interrupt you.

M^{me} France Gélinas: No problem.

Would you say, Deputy, that the option of having the government directly provide protection and oversight to retirement home residents is on the table or not?

Ms. Denise Cole: I am not in a position, Madame Gélinas, to respond to that. Those are decisions that the government has to make. Right now, we are operating within a particular regulatory and legislative framework. That's the tool we have, and so our inquiry is around, how do we strengthen the tool that currently exists?

M^{me} France Gélinas: I want everybody to realize—I can speak to my 93-year-old mother-in-law in a retirement home—how vulnerable they feel about being kicked out of where they live. She's 93 years old, has a number of health issues. Because her daughter-in-law is an MPP, she knows how the system works and knows that if she's assessed and meets certain criteria, she will, like the lady across the street, be kicked out of her residence. The mere fact that this is still on the table is something that needs to be fixed.

The fact that we've known for at least eight years that the ALC people who were being transferred into retirement homes had no oversight—it has been eight years that they've had no oversight. When things go wrong—should I go through the list of examples of when things have derailed and gone majorly wrong? Nobody was in charge, and now you're telling me that it will be another series of months before anything is done for the close to 30,000 frail, elderly ALC people who live in retirement homes. How could that be? They need protection now. They needed protection eight years ago.

Ms. Denise Cole: With due respect, Madame Gélinas, I'm not saying that it will be many, many months before things are done around the ALC beds, for example. We do see and hear the sense of urgency around that, and I fully appreciate the frustration. I have elderly parents myself. Fortunately, they're still living in their own homes, and they're able to do that because one of my brothers made the decision that he would be their caregiver. So we hear the sense of urgency. That's why we have already started the work with engaging with the Ministry of Health, the Ministry of Municipal Affairs and Housing, as well as the Ministry of Long-Term Care around how we fix it.

M^{me} France Gélinas: Mr. O'Neill, has your agency ever asked the ministry what to do with those tens of thousands of ALC patients in our retirement homes? Have

you ever asked for help from the government? What did they say?

Mr. Jay O'Neill: Thank you for the question.

I think, if I read the Auditor General's report correctly—I just want to make sure that we're sharing the same facts. I think the number that they got through their inquiries was 4,000 or so members in retirement homes who were part of an ALC program.

In terms of our approach, we've been working with the ministry over the past several years on identifying the issues that we've been discovering throughout the last period of time.

One of the learnings that we've had as an organization from the introduction of the legislation is that there are several different kinds of retirement homes and not just a single retirement home. When Deputy Cole and I first met, when she took on the responsibility for the Ministry for Seniors and Accessibility, this was among the topics that we began discussing. One of the projects—

M^{me} France Gélinas: So that was 18 months, two years ago, that those discussions started?

Mr. Jay O'Neill: One of the projects that we've had under way which was highlighted in the Auditor General's report was an evaluation process for whether or not licence classes is an opportunity for us to understand how to segment the retirement home sector in a way that would allow us to calibrate the oversight appropriately. I think earlier I also mentioned how we use our risk model grounded in harms. The reason I bring that up is, that allows us to be able to, in the end, not only track how we're impacting harms over time, but it also allows us to assess how those harms relate to the legislation and where there may be areas that the legislation needs to be strengthened—or whether we don't find a connection between resident safety and the legislation. That's part of the review process that I think we'll undertake.

M^{me} France Gélinas: Do you see a conflict of interest between you and your board having to engage in a stakeholder process that will decide whether or not you have the resources necessary to provide oversight, care and security to the retirement home residents? Do you see any conflict of interest in there—that you have identified that you need more resources to provide the care, the oversight needed by the regulations, but your engagement with stakeholders says, “You need \$2 million, but we're giving you \$100,000”?

Mr. Jay O'Neill: I think the way that I can explain my experience thus far is that from a board of directors' perspective, part of my role is to obviously deal with that board directly, and part of my core function is to determine what I think it is that we need organizationally to implement all the activities that are in front of us. And the board has a role, and each of them has a fiduciary responsibility to the RHRA as an organization.

M^{me} France Gélinas: How many of your board members are residents or family members of residents?

Mr. Jay O'Neill: We do not have any residents on the board. We do have one individual on the board who has experience in the long-term-care sector, not as an operator,

but as—well, as an operator individually, as part of a family business, but also as an inspector in the long-term-care realm in the past.

1410

M^{me} France Gélinas: So residents are not represented on your board—

The Acting Chair (Mr. Peter Tabuns): Madame Gélinas, we have about three minutes left—if I could give a question to MPP Singh? Thank you.

MPP Singh, you have the floor.

Ms. Sara Singh: Thank you, France, for a really great line of questioning.

I think it's quite troubling that we don't have residents and family members and advocates sitting on the board, as well, to help inform some of the decision-making processes.

I know that MPP Bell was trying to get on and could not, unfortunately, because she's got child care responsibilities, so I'm going to ask the question on her behalf.

Earlier, MPP Bell highlighted some real concerns around pricing transparency and price increases that were taking place arbitrarily for many residents in retirement homes, whether that was with respect to care or the cost of their meals, for example. This has also led to economic evictions of seniors who are on a fixed income, for example, who can't afford these price increases. So I'd be curious to understand what measures have been implemented to help address this issue and to ensure that vulnerable seniors aren't being put out onto the street into precarious situations because they can't afford these arbitrary increases.

Ms. Denise Cole: I can begin and then hand it over to Mr. O'Neill.

As well, if I may just take a nanosecond to respond around the lack of representation on the board of residents and so forth—there are a number of vacancies that are currently on the board of the RHRA. I do know, in terms of the process that the RHRA will be going through, and as we have been talking about the memorandum of understanding, that those are some of the areas that we would like to see some enhancement around—who has that voice participating in the board decision-making process.

With regard to the issues cresting around the fees, currently, retirement homes are subject to both the Retirement Homes Act, which governs care and safety in the retirement homes, and the Residential Tenancies Act, which governs the landlord-tenant relationship, including rents and fees in retirement homes, as well as the service fees. So while the Retirement Homes Act does not regulate rent and fees charged by retirement homes, it does establish and reinforce residents' rights with respect to service fees under the Residential Tenancies Act. This includes the right to know the true cost of care and accommodation and the right to be informed in advance of increased charges for services.

Under the Residential Tenancies Act, residents are required to receive 90 days' advance notice of any increase in fees that are related—

The Acting Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time.

We go now to MPP Blais. You have three minutes.

Mr. Stephen Blais: The Auditor General highlighted some concerns about the timeliness of all the tracking and the timeliness of implementation of recommendations from the risk officer. I obviously read your response in terms of improving that process, but I'd like to get an understanding from the RHRA of where you are on implementing the balance of the risk officer's recommendations.

Mr. Jay O'Neill: Thank you for the question.

This is a recommendation that we welcomed.

I'll give you a little context on who the risk officer is. The risk officer is an independent officer who reports to the board and annually produces a report to assess our effectiveness in our mandate in implementing the act. The approach that has been taken historically by that individual has been to look at individual sets of programs and activities that the RHRA has been undertaking.

We certainly welcome the Auditor General's recommendations, in terms of recognizing that our past practice had been to incorporate those recommendations into our business plans. But we did not have a direct line of sight to track those recommendations as a separate—if I can say—entity. One of the ways that we could improve the overall oversight of that is to include processes where we would report to the board specifically on the risk officer recommendation implementations, as well as provide that information publicly and to the ministry—

Mr. Stephen Blais: Sorry, I have very limited time.

I've read what your response to the auditor is. Where are you on actually implementing the recommendation?

Mr. Jay O'Neill: We've already implemented the process elements of that. The actual recommendations? We have had an extended time frame for some of them, specifically related to the complaints, through the past year. Those will be integrated and completed in year 1, along with the other recommendations made by the Auditor General that relate.

We also have in the plan for this year the implementation of compliance assistance modules related to abuse and neglect, which is one of the other outstanding items of the risk officer.

The Acting Chair (Mr. Peter Tabuns): Colleagues, we're in the last section of questions. The time now will be divided into 11 minutes for the government, 11 minutes for the official opposition and three more minutes for the independent.

I'll go now to the government. MPP Anand.

Mr. Deepak Anand: First of all, I want to acknowledge that I was going through the RHRA website and I found it very friendly and transparent. I can search the database even for the refused applications, revoked applications, unlicensed operators, terminated and surrendered. It's really good to see the different categories.

If I am somebody who is looking for a home, and rather than knowing who is being prosecuted or who is having a

problem, I just want to see the retirement homes with no issues, which category should I look into?

My question can be taken by anyone, and then I'll ask a follow-up question.

Mr. Jay O'Neill: I can jump in and take that question, and thank you for it and for the observations with respect to the website.

I guess the short answer is that all of the homes that aren't in those other categories are those that, I guess you would say, don't have enforcement action in that way.

One of the things that we recognize as a real opportunity for improvement, from a consumer lens perspective, is to make the information that's on the public register—in particular the retirement homes database—more understandable. The inspection reports, as you noted, are all transparent and available, but I certainly empathize with the viewpoint that that can be difficult to understand.

What consumers are likely to want is to have a synthesis of the information that's there to help them make informed decisions. That's why we had identified the development of the public report card as a means to synthesize our assessment of how homes have met the standards. The essence of that is to make it more digestible.

That project was under way. We put it on pause in February of last year due to the pandemic, but we have plans to restart that. To be candid, it's a very involved project to do properly and will take some time to restart, but that is—

Mr. Deepak Anand: Thank you so much. I do have a follow-up question—because of the time; we don't have enough.

When I was going through the Auditor General's report—it assumes that there are plenty of protections for the resident, and I can see it. That's why I went on the website to see that first. But still, I truly believe many of the residents in these retirement homes are not aware of many of these protections available to them through the RHRA.

So my question would be—again to you, Mr. O'Neill—what is the RHRA doing to raise its profile among the retirement [inaudible]?

1420

And if possible, and in a very quick and short answer, I would expect, through Deputy Cole—if you can highlight what the ministry is doing to raise the awareness on the protections for the residents?

Mr. Jay O'Neill: I'll start, and then maybe Deputy Cole would want to supplement.

When a resident is first entering into an agreement with a retirement home, there is a requirement for the home to provide an information package which includes information on the RHRA and how to file a complaint. There is also a requirement in the act to have that information available directly. But we recognize this isn't enough.

We did a self-assessment, as noted in the Auditor General's report, on awareness, and we see our best opportunity is to establish, if I can say it, a relationship with those who are pursuing retirement homes as a potential living option for themselves when they're looking. One of the

ways that we do this is through a digital campaign. That is something that we have committed to on a multi-year basis to raise awareness. It focuses in on understanding that there is a regulator, understanding what the bill of rights is, understanding how to file a complaint if they have one; specifically, to try to raise awareness among those making a decision to move into a retirement home, recognizing that's a very good point of entry for us to establish a relationship with them. As I noted in my comments earlier, we've had some early success and see the results on our website in the right places.

I'd like to also talk for a moment about some of the other ways that we do this. One of the ways to do this, of course, is the establishment of a resident network. Through that process, we want to build a larger cohort of people from whom we can get direct feedback and then engage them in a way that they can essentially be ambassadors for the RHRA with their friends, families and colleagues. That is a way for us to make sure that there is awareness, that there is a comfort level to raise any concerns that they may have.

And last but not least is that we will work with the ministry in their review of the act to address any concerns and improve any changes that we can make in the act with regard to direct access to communications to residents. That is something that is a bit of a challenge to execute on, and we want to make sure we have every opportunity to be able to provide communication directly to residents.

And with that, I might invite Deputy Cole to add.

Ms. Denise Cole: Thank you very much for the question.

I think the ministry's director of communications is on the line and may cringe as I try to explain some of the communications activities that the ministry has under way. I'm not the most tech savvy in social media expertise, but at the ministry, we do use the various channels that we have, be it Facebook, be it Twitter, as well as the ministry's website, to not only link to the RHRA's website, but to provide information around the protections that exist for retirement home residents.

As well, we have a seniors' handbook that is in the process of being updated. We're also looking at how to digitize that, but we also still maintain availability of paper copies, because not everybody in the province who is older has access to those various things.

So the ministry does utilize the various communications channels that we have.

The Acting Chair (Mr. Peter Tabuns): MPP Hogarth?

Ms. Christine Hogarth: First of all, I want to thank everybody for your work, because our seniors are so important.

We talk and talk about how we have an aging population. I'd like to know what the ministry has planned for the future and our challenges with the increased seniors in society; our population is growing.

Ms. Denise Cole: I can speak very briefly, and ADM Cureton can provide some additional details.

The ministry has been working on a strategy for an aging population. We don't think of it as a seniors strategy; we think of it as a strategy for an aging population, because we believe it's important to take a life-course lens to the aging process.

As you point out, MPP Hogarth, seniors are living longer. The population is increasing. But also—and I think this is the intersection point in our ministry with regard to persons with disabilities. We often think of people aging into disability, but we also need to do some policy work around persons with disabilities aging, given medical advancements and a variety of things—

The Acting Chair (Mr. Peter Tabuns): You've got a minute left.

Ms. Denise Cole: We're working on a strategy, so yes—but to look at that intersection point as well. There are four pillars to the strategy that have been guiding our work: making sure that seniors are safe; making sure that they have the ability to lead healthy, active lives; connection; and as I mentioned earlier, the ministry is working on a seniors lens that can be used across government with our ministry colleagues to bring a population-based lens to the development of policies, programs and initiatives.

Ms. Jacqueline Cureton: Just to rearticulate, the four pillars that we took out for consultation in 2019 and where they received confirmation were to help seniors live independently; to ensure their safety, security—

The Acting Chair (Mr. Peter Tabuns): I'm sorry to say that we're out of time for this round of questioning.

We go now to the official opposition. MPP Gélinas?

M^{me} France Gélinas: I would ask communications to leave my microphone open. This is our last one, and I will be sharing my time with MPP Singh.

My first question is coming back to fees. Through the pandemic, it was clear that rent was allowed to increase by so many per cent and meals were allowed to increase by so many per cent. But then, the retirement homes started adding COVID-19-related fees. In my riding, the lowest one was \$85 and the highest one was \$110. A group of very active elderly people got together and they won—they actually got the retirement homes to not charge them \$110 a month more for PPE and other COVID-19-related fees. That was through Oxford. But everybody else has the fees.

As an association, how do you respond to this? Suddenly, there is \$100 a month, \$1,200 a year more added to—my mother-in-law pays \$5,000 a month for a 325-foot apartment. Now there's \$110 a month being added to this. How does the association respond to this?

1430

Ms. Denise Cole: I can start off, Madame Gélinas, and then hand it over to Mr. O'Neill to talk about some of the actions the RHRA may or may not be taking.

As you know, the rent portion has been frozen as a result of the pandemic, and we have provided \$60 million to retirement homes to offset the cost of IPAC, including PPE. Additionally, homes are able to access PPE through government sources, and I don't have—

M^{me} France Gélinas: Deputy, that's not my question. I appreciate your ministry doing this. But every single one of the 650 retirement home residents in my riding has to pay an extra \$85 to \$110 a month. That's my question.

Ms. Denise Cole: I'm going to hand it over to Jay, because we don't set the fees or control the fees or intervene in that. Jay?

Mr. Jay O'Neill: Thank you, Deputy. The role that we can play as regulator, of course, is to follow up and implement the provisions that are in the act. In this particular instance—I think Deputy Cole mentioned them earlier—there are provisions in the act for any issues related to changes in the charges where residents need to be provided with information and notification of any changes, and the role that the authority plays is, when we are made aware of one of those types of issues, we will investigate to make sure that the homes followed the steps that are outlined in the act—

M^{me} France Gélinas: Yes, they give them the 90 days, but they are still charging them over \$1,000 a year more for things when the deputy told us they got \$60 million to buy PPE. They got support from the province to do this, and yet, they saw an opportunity to take more money out of the pockets of those frail, elderly, mainly women in retirement homes.

As the regulatory authority—let me tell you, many of them phoned you to complain, because I told them to. Many of them wrote to you to complain, because I wrote the letter for them, and they sent it. And so far, you have done nothing. Prove me wrong.

Mr. Jay O'Neill: As I said, I certainly understand the concern. We're investigating those to make sure that the homes have followed the act. At the end of the day—

M^{me} France Gélinas: The act says 90 days, and you can increase the fees whichever way you want.

Mr. Jay O'Neill: I understand, and that's what, as the regulatory authority, we're charged with—assessing whether or not the homes have met their obligations on that front.

M^{me} France Gélinas: Do you think this is fair? Would you like to have more power to rein that in?

Mr. Jay O'Neill: Right now, the way the legislation is constructed is that, if there are additional disputes related to fees or other components of their tenancy, those are adjudicated through the Residential Tenancies Act, which are reviewed by the Landlord and Tenant Board. I am here to implement the Retirement Homes Act as it's currently constructed, and that's what we do. We pursue those if we have those circumstances—

M^{me} France Gélinas: Do you think it's fair that the homes got \$60 million from the government to pay for COVID-19-related expenses and they turned around and charge every single one of those residents \$100 more? Do you think that's okay?

Mr. Jay O'Neill: Whether or not I personally agree with it is irrespective of what my role is. My role is to enforce the act the way it's constituted. That's what the authority has been charged with doing by the Legislature, in its existence, and that's the mandate that I have. I follow

the legislation. I take every step that I can to make sure that those protections that are afforded under the act are made available to the residents when necessary.

The Acting Chair (Mr. Peter Tabuns): Madame Gélinas, we're splitting the time between you and MPP Singh. There's about four and half minutes left.

MPP Singh, the floor yours.

Ms. Sara Singh: Thank you, MPP Gélinas. I'll just pick up on the same questioning.

Mr. O'Neill, I think the frustration that many of us feel is because we're constantly hearing from residents who have been experiencing what they believe is price-gouging for a very important service for many of them.

To echo the concerns that MPP Gélinas has raised: What other mechanisms, then, would you recommend that we could put in place to help protect these residents from unnecessary increases to the rates they were being asked to pay? Are there any mechanisms that you would recommend that we implement, moving forward, to change this? I understand that your powers are limited within the act and what you're doing is enforcing the act as is, but there's clearly some need here for improvement to make things fairer and more transparent for residents. Do you have any recommendations with respect to changing this and fixing this very serious issue?

Mr. Jay O'Neill: Certainly, as we engage with the ministry through the legislative review, we'll take the opportunity to evaluate all of the areas that we are responsible for in the act and we'll assess, as noted, those that relate to care, whether that relates to financial or others, and make recommendations based on our observations of where we are able to identify any harms, or improvements that could be made to the act. That's a process that's under way.

I am very pleased to be able to participate with Deputy Cole and her staff to review the act. Our focus in recent weeks and months has been, obviously, on immediate safety concerns, on any changes on that front. As Deputy Cole has indicated, the review of the act is a fundamental review, and it will take some time for us to work through, but we'll be a very active participant in identifying any areas of harm that we encounter throughout that process and provide the best advice we can at the time.

Ms. Sara Singh: Thank you for that. I do hope that some sort of regulation of the rates will be part of the recommendations that you're putting forward, because I

think many people are looking to the act to help enforce these rates and some sort of regulation around them. Many are shocked to learn that, again, there isn't any accountability built into the act with respect to those rate increases.

I'm going to switch gears a little here and chat a little bit about compliance and potentially revoking licences in instances where these homes are found to be engaging in a lack of care or not meeting the standards of care that are set out in the act. In many instances, we've seen homes with very troubling patterns of behaviour, patterns of neglect continue to not have their licences revoked.

What recommendations would you suggest be put in place here to ensure that those homes are held accountable and that there is greater transparency when non-compliance is happening? And what can be done to ensure that those homes are not continued to be supported by the government and that their licences are revoked?

Mr. Jay O'Neill: Thank you for the question. It's an important question.

I would say, at the core of what we do as a regulator is, at the licensing stage, we do our best to make sure that the right operators are getting into the sector, and when we observe those that are operating, if they're unable to demonstrate that they're able to meet the standards, then our first opportunity is to try to redress those. We do that through a number of means. I mentioned earlier that we do have a process with regard to compliance support, which is fundamentally about making sure that the standards are clear, that the operators are understanding the obligations and the actions they need to take. And then we have—from that perspective, the next step that we would put a home through is any number of different kinds of enforcement actions. We issued 79 enforcement actions over the last year—

The Acting Chair (Mr. Peter Tabuns): With that, I'm sorry to say we're out of time.

We'll go to the last section of questioning. If MPP Blais is available, the floor is his. MPP Blais? Clerk, do we have MPP Blais showing at this point? No, we don't.

That being the case, we have finished the questioning. The committee will now move to instructions. As I understand it, our guests will have to depart, as much as we like you, guests. Thank you for spending the time with us today. I appreciate the questions that you were able to answer. With that, that section is adjourned.

The committee continued in closed session at 1440.

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Mr. Peter Tabuns (Toronto–Danforth ND)

Mrs. Daisy Wai (Richmond Hill PC)

Also taking part / Autres participants et participantes

Ms. Sara Singh (Brampton Centre / Brampton-Centre ND)

Ms. Bonnie Lysyk, Auditor General

Clerk / Greffier

Mr. Christopher Tyrell

Staff / Personnel

Ms. Laura Anthony, research officer,
Research Services