

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

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TO/DEST. Co-ordinator, Community Services Committee

FROM/EXP. Councillors Alex Munter and Clive Doucet

SUBJECT/OBJET **SENIOR CITIZENS LIVING IN UNREGULATED RESIDENTIAL CARE**

REPORT RECOMMENDATIONS

THAT the Region of Ottawa-Carleton contribute \$6,000 towards the cost of a one-day community forum, co-sponsored and organized by the Ottawa-Carleton Council on Aging, to bring together seniors, stakeholders and interested citizens to focus on the issue of seniors living in unregulated residential care; and

FURTHER THAT a report from the forum be submitted to Community Services Committee with recommendations on what actions could be taken locally.

BACKGROUND

An estimated 4,000 Ottawa-Carleton senior citizens live in unregulated retirement homes, where they pay monthly rents ranging from \$1,000 to \$6,100 that include food, lodging and varying levels of personal care.

These are not nursing homes or regional homes for the aged. Such facilities are subsidized by the provincial government and subject to regulation, inspection and licensing. About 3,000 people live in such homes, the majority of whom suffer from dementia and require constant and intensive care.

Nor are these retirement homes like seniors' rental apartment buildings, where residents live independently in their own units. While many residents of such buildings, including Ottawa-Carleton Housing and City Living seniors' complexes, enjoy various support services, they do not receive ongoing medical care or meal preparation as part of their rent.

Retirement homes fall between the two. They are often confused with nursing homes. Meals are provided, residents live in rooms or suites that often have no kitchen amenities and care is offered, usually by registered practical nurses or health care aides.

But, unlike nursing homes, there are no rules regulating how such homes should operate. Only general legislation applicable to almost all kinds of rental housing applies here -- like the Ontario Building Code, Ontario Fire Code, the Tenant Protection Act or the Public Health Act. Retirement homes can be divided into two categories: those that belong to the Ontario Residential Care Association (ORCA) and those that don't. About 55% of retirement homes in Ontario are members of ORCA. ORCA has a set of voluntary standards that its retirement homes must meet in order to be granted membership. These include areas such as quality of resident care, safety and security, building and property maintenance, food and meal services, housekeeping and laundry and compliance with the Tenant Protection Act. This offers, at the very least, a minimum standard for care and accommodation.

The provincial government has repeatedly stated that it is up to local governments to make sure that seniors receiving care in such homes are protected. "Protecting seniors in...retirement homes doesn't hinge on more provincial legislation, but a commitment by city council to enforce what's already on the books," said Seniors Issues Minister Helen Johns in October, 1999.

More recently, the provincial government has been conducting a province-wide consultation on whether there should be regulation and, if so, what kind of regulation makes most sense. MPP Brenda Elliott, Parliamentary Assistant to the Ontario Minister responsible for Seniors, was in Ottawa Feb. 7 as part of that consultation and met with retirement home operators, seniors' advocates and a regional government delegation (which included Health, Housing and Social Services staff and the chair of the Community Services Committee).

At the municipal level in Ontario, there is a wide degree of variance. While some municipalities have by-laws governing the registration, licencing, inspection, certification and/or administration of retirement homes, others offer no legislative guidelines in this area. The result of this is that standards vary across municipalities even within our own region. Clearly, the lack of provincial regulation means that there is, at best, a piece-meal approach, done through municipal by-laws, to try and regulate the situation.

Anecdotal evidence suggests that most retirement home operators are committed to providing their residents with quality accommodation. However, since there are no standards, it is impossible to tell how many, if any, seniors in our community are at risk in homes that would not meet basic community expectations of care.

Indeed the situation is further complicated by Ottawa-Carleton's long-term care crisis. There are nearly 2,000 people on the waiting list for a nursing home bed in this region. The government plans to open 1,313 new beds here by 2004.

That means more and more people who need a fairly intensive level of ongoing nursing home care are destined to end up in unregulated settings, according to the Community Care Access Centre. This will change the complexion of those housed in retirement homes.

THE OTTAWA-CARLETON SITUATION

In Ottawa-Carleton there is no consistent approach to ensuring the health and safety of residents in unregulated accommodation. It is piece-meal and sporadic. There exist no by-laws in any of the region's municipalities which would provide for the protection of seniors living in retirement homes. The only enforcement which occurs are irregular and occasional inspections to ensure compliance with the previously mentioned provincial acts (Building Code, Fire Marshal, Public Health, etc.). Enforcement would fall both to municipal by-law officials and regional health inspectors.

The by-laws that do exist within the region are inadequate to provide for the needs of seniors. In most area municipalities, the only by-laws that are even applicable are the zoning by-laws and the property standards by-laws. These contain within them, no provisions for the regulating retirement homes.

THE SITUATION IN OTHER MUNICIPALITIES

The former Etobicoke has in place a by-law (By-law 166) which deals with unregulated residences. Through its broad definition of a lodging house, it ensures that all homes are covered under the by-law. The city also issues one-year licences which allow it to know exactly how many homes exist and it gives them a means to enforce standards through inspections and the threat of withholding licences. Contained within the by-law are standards that govern the following sections: sleeping arrangements, health considerations, kitchens, sanitary facilities, fire and physical safety, living standards, and food. The by-law also contains provisions for a residents' council which would allow residents a chance to express many of their concerns to the operator of their home.

THE NEW CITY OF TORONTO TAKES ACTION

The city of Toronto is currently looking at the situation of retirement and lodging homes. It decided to examine this issue after the Toronto Star uncovered startling conditions in an unregulated retirement home. Originally the retirement home was known as Van Del Manor and it was a nursing home subject to provincial regulations. Van Del Manor became the only home in the last decade to have its nursing home license suspended. It re-opened as the Birch Cliff Retirement Home six months later, run by the same owner with many of the same residents. Because it is no longer a retirement home, it no longer faces provincial inspections, regulations or the minimum standards of care - the kind it failed to meet while operating as a nursing home. Among the complaints at the new Birch Cliff home are:

- Staff forget to give residents medication.
- Patients in wheelchairs are left alone for hours at a time, sometimes all day.
- The same food is often served several days in a row.
- The building is dimly lit and smells of urine.

As a result of the Toronto Star investigation, the city of Toronto has recently struck up an action team to look at the issue. Their first course of action was to establish a retirement and lodging homes hotline. Experienced inspectors answer calls and determine which calls should result in the inspections of homes and which calls should go to other city services. If inspections are warranted, a multi-disciplinary inspection team consisting of personnel from the Buildings, Fire and Health Departments will go together

to identified facilities. Inspections of premises will be headed by the Health Department based on the complaints received. The officers and inspectors will be come from the appropriate district and will engage themselves in the issues concerning inspection and enforcement of current legislation.

Within a week and a half of the hot-line opening up, there were 136 calls concerning retirement homes detailing a wide range of complaints. The hotline in Toronto has given residents an avenue of complaint that was not previously opened to them. The fact that there were 136 calls in the first week and a half shows that the problem, while hidden, is widespread. The following is a list of the general categories of complaints.

- Sanitation Issues - general cleaning is not being done, dining area is not clean, there is an odour in the building
- Poor Quality of Food - too much canned food served, lack of special diets, menus not changed regularly, nutrition concerns, food not properly cooked
- Personal Care Issues - residents not changed (soiled or wet clothing), lack of staff to look after residents, meals not served on time, lack of assistance to residents, rough handling of residents
- Medication Issues - Inadequate staff to handle medication, staff not familiar with medication handling, medication not properly distributed
- Environmental Issues - Smoking complaints, lack of housekeeping, lack of staff to clean premises
- Other Issues - Concerns of staff/resident ration - especially at night, some residents in retirement homes need nursing home care, lack of supervision of residents, missing personal items and physical abuse

PURPOSE OF THE COMMUNITY FORUM

The purpose of the community forum will be to bring the stakeholders together, discuss the local situation and come up with recommendations on what action could or should be taken. By the spring, it should be known in what direction the provincial government is heading with regard to regulation.

This is an important and growing local issue. The forum will be a valuable opportunity to bring the community together to work for local solutions. A report would be forthcoming to the Community Services Committee and Regional Council to summarize the conclusions of the event.

The Council on Aging - Ottawa-Carleton is a bilingual, non-profit, voluntary organization that has been working on seniors' issues in the region for the past 25 years. It has considerable expertise and interest in this area, having published in the past guides to the selection of both long term care facilities and retirement residences, and making presentations to governments. It participated in the recent consultation held by MPP Brenda Elliott.

The Council has identified the area of regulating retirement residences as one of its priorities for the year 2000. The Council has a considerable track record of successfully organizing community forums, making use of its extensive network of service providers and allied seniors' groups.

FINANCIAL IMPLICATIONS

The regional contribution of \$6,000 towards this forum would be shared equally by the four regional departments which are impacted by unregulated residential care – the Social Services, Health, Housing and Homes for the Aged Departments. Commissioners of these four departments have concurred with this funding request.

*Approved by
Alex Munter and Clive Doucet*