



COPY

June 17th, 2019

Eric Beaulieu
Deputy Minister, Social Development
Sartain MacDonald Building
Room:4008 Floor: 4
P.O. Box 6000
Fredericton, NB E3B 5H1

Re: Recommendation to government pursuant to s. 13(1)(f) of the *Child, Youth and Senior Advocate Act*

Dear Mr. Beaulieu:

As you are aware, a request for advocacy to my office regarding retroactive rate increases in Special Care Homes led to a review of certain matters relating to those Homes.

The review explored the following issues:

- What, if any, controls exist regarding the maximum rate a special care home operator can charge a client?
- How much, if any, notice must be given by special care home operators to clients regarding changes to rates?
- Are there any protections preventing a special care home operator from increasing clients' rates retroactively?
- What are the differences in legal protection afforded generally to tenants under the *Residential Tenancies Act* compared to individuals living in Special Care Homes?

The Office of the Child, Youth and Seniors' Advocate has concluded that there are few protections and few means of appeal of changes to agreements between residents and Special Care Home operators. Our Office has observed that the Government has not restricted or controlled Special Care Home operators with respect to rate increases and other financial matters. Protections for a resident of a Special Care Home, analogous to those for a tenant in any other type of dwelling including boarding homes, do not exist since Special Care Homes are excluded from the *Residential Tenancies Act*.

M. Beaulieu
June 17, 2019
Page 2

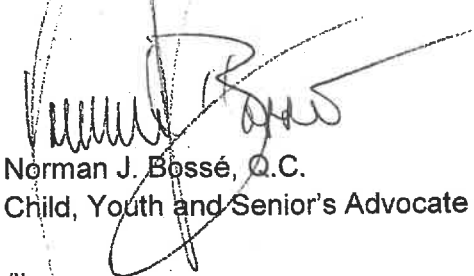
After our meeting with the Department representatives for Special Care Homes and the representatives of the Residential Tenancies Tribunal, our Office believes that residents of Special Care Homes who are potentially vulnerable persons should be afforded protection to at least the same degree as every other tenant in this province. For this reason our office would make the following recommendation:

Amend Part II of the *Family Services Act* to provide adequate protections for Special Care Home residents, including, *inter alia*, in relation to the following matters

- a. prohibition of payments other than for rent, security deposit or "reasonable amount for any service";
- b. mandatory use of standard form of lease;
- c. notice requirements for fee increases;
- d. establishment of a complaint mechanism;
- e. eviction;
- f. termination of tenancy;
- g. alteration of tenancy agreement;

I would request that you respond in writing to this recommendation within three weeks of the date of this letter, with timelines as to when any accepted recommendation may be put into effect.

Yours very truly,



Norman J. Bossé, Q.C.
Child, Youth and Senior's Advocate

/jbm