



## THE NEW LONG TERM CARE RESIDENT'S BILL OF RIGHTS

In 2007 the Government of Ontario passed the [Long-Term Care Homes Act, 2007](#) (the "Act"), which, amongst other things, codified a "Residents' Bill of Rights" (the "Bill of Rights") for all those individuals residing in long-term care homes.

The Bill of Rights guarantees, amongst other things, that every resident has the right to be treated with courtesy and respect, to be protected from abuse, to not be neglected by the home or by its staff, to be properly fed, clothed, groomed, and cared for in a manner consistent with his or her needs, and to live in a safe and clean environment. For those residents who have romantic partners, the Bill of Rights even ensures that every resident has the right to "meet privately with his or her spouse or another person in a room that assures privacy".

On paper the Bill of Rights seems to go a long way in protecting the rights of residents, and to ensure that residents are able to grow old with dignity and in a manner consistent with their lives before they entered the facility. But what happens in the event that a long-term care home does not uphold the rights guaranteed by the Bill of Rights? Is there any recourse for a resident who has had their rights violated?

Section 3(3) of the Act provides that a resident may enforce the Bill of Rights against the long-term care home as though the resident and the facility had entered into a contract under which the facility had agreed to fully respect and promote all of the rights set out in the Bill of Rights. While there appears to be currently no jurisprudence in which a resident successfully sued a long-term care facility for breach of the Bill of Rights under section 3(3), the Act only came into force in 2007.

Long-term care homes are an unavoidable reality for many. By ensuring that residents of these facilities have a basic set of rights guaranteed by statute the Bill of Rights hopefully goes a long way to ensure that residents are able to grow old with dignity.

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