
Registrant Handbook

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POLICY 9

Complaint Resolution

9.1 Your internal complaint process

As a registrant, you should establish and make residents and those who care about them aware of a clear, written internal complaint process. You should also publish prominently the contact information for the Office of the Assisted Living Registrar.

Registrants should distribute the brochure *Complaint Resolution for Assisted Living Residents*¹ to all new residents on entry to the residence and make copies available to their families and support networks.

You must not prevent or intimidate anyone from initiating a complaint through the Office of the Assisted Living Registrar.

9.2 Complaints to the Registrar

Anyone with a concern about the health and safety of assisted living residents may make a complaint to the Office of the Assisted Living Registrar. Complaints can be made by phone, email, mail, fax or in person. The Registrar will encourage complainants to address their concerns through the operator's internal complaints resolution process first. If a complainant does not want to use a registrant's internal complaint process, the person may make a complaint directly to the Office of the Assisted Living Registrar. The complaint will be investigated in a fair and transparent manner and, if the complainant requests, while maintaining their confidentiality.

The Registrar has jurisdiction to address the following types of complaints:

- **non-compliance with *Health and Safety Standards***² – a registrant is alleged to be operating the residence in a manner that is placing the health or safety of a resident at risk.
- **resident is unable to make decisions on own behalf**³ – a registrant is alleged to be housing a resident who is unable to make the range of decisions that will allow the person to function safely in the supportive, semi-independent environment of an assisted living residence.
- **operation of an unregistered assisted living residence**⁴ – a person is alleged to be offering assisted living services (housing, hospitality services and one or two prescribed services), but the residence is not registered.

1 Additional copies are available from the Office of the Assisted Living Registrar on request.

2 See Policy Tab 4.

3 See Policy Tab 5.

4 SBC 2002, c. 75, s. 26(1).

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9.3 The Registrar's role

The Registrar's role is to ensure that assisted living residences are operated in a manner that does not jeopardize the health and safety of residents. The purpose of complaint investigation is remedial – to ensure the operator complies with the *Health and Safety Standards* or brings itself into compliance. The Registrar's approach to investigating complaints is to promote good practice, prevent poor practice, intervene in unacceptable practice, and not to compromise resident health or safety. The Registrar will generally follow the least intrusive, but most appropriate, course of action first.

When the Registrar's Office is contacted, it will determine whether the person requires information only or would like to initiate a complaint. If the person is making a complaint, the Office will assess whether it relates to the types of complaints that the Registrar has jurisdiction to address (see section 9.2). Complaints that are not within the Registrar's jurisdiction are redirected to the appropriate authorities (see section 9.4).

The Registrar will analyze the complaint and determine the best approach to investigate it (educate the operator and/or complainant about the regulatory model for assisted living and the health and safety standards; gather more information; conduct a review to ensure the operator complies with the *Health and Safety Standards*; and/or conduct an inspection of the residence). Reports about the status of the investigation will be provided as needed. At the conclusion of the investigation, the Registrar will advise the operator whether it complies with the *Health and Safety Standards* or whether it needs to take action to bring itself into compliance. Where requested, the Registrar will also report out to the complainant on the outcome of the investigation.

Where a registrant fails to bring itself into compliance with the *Health and Safety Standards*, the Registrar may take progressive enforcement action. The *Community Care and Assisted Living Act* authorizes the Registrar to attach or vary conditions to a registration; suspend a registration; cancel a registration; and impose a fine on an unregistered residence. The Registrar will make public situations in which conditions are attached to a registration or where a registration is suspended or cancelled.

If the Registrar intends to take enforcement action against the registrant, the Registrar will send the registrant a letter outlining the pending action and reasons for it. The letter will be sent at least 30 days before the effective date of the action. The registrant then has the right to ask the Registrar to reconsider the action. The Registrar's letter will include information about the reconsideration process.

If a complainant is not satisfied with the investigation or outcome, the complainant may initiate an internal complaint to the Registrar. If, having followed the Registrar's internal complaint process, the complainant is still not satisfied the complainant may contact the Office of the Ombudsman to review the Registrar's handling of the complaint.

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9.4 Complaints and tenancy

The Registrar does not have jurisdiction to address complaints related to tenancy (such as rent increases) or service protection (such as dissatisfaction with meals), unless the complaint relates directly to residents' health or safety.

The Ministry of Forests and Range, Minister Responsible for Housing is developing a new model of consumer protection for residents and providers of assisted living and supportive housing accommodation. The *Tenancy Statutes Amendments Act*,⁵ was passed on May 18, 2006. This Act creates a framework in the *Residential Tenancy Act* that establishes the rights and responsibilities of landlords and tenants in assisted living and supportive housing. These amendments were not yet in force when this policy was issued. Please refer to <http://www.rto.gov.bc.ca/> for information on the status of the legislation. Until the amendments are brought into force, the Office of the Assisted Living Registrar will refer any complaints it receives about consumer protection to the appropriate contact at the Residential Tenancy Office.

9.5 Other complaints outside of the Registrar's jurisdiction

As well, the Registrar does not deal with complaints about the conduct of residence staff or other operating issues of the residence, unless they relate directly to the health or safety of a resident. The Registrar will refer complaints that a registrant is offering more than two prescribed services to Community Care Facilities Licensing for follow up.

⁵ SBC 2006, c. 35 (Bill 27).