

# Senior Living and Housing

## SUMMARY

Canada's aging population is changing the way we look at retirement and long-term care. With these changes, operators of seniors' facilities are facing unique challenges that require a legal partner who understands their needs. Our Healthcare Law Group is national in scope and is the most comprehensive health law resource in Canada.

Compliance in a regulated industry can be a challenge. Canadian retirement homes and long-term care homes are operating within an increasingly regulated environment. Our regulatory group assists operators with statutory compliance including contract, policy and information package review. We also assist with day-to-day interactions with the regulator, including responding to complaints / investigations. We provide advice relating to risk management and resident safety, privacy, and consent and capacity issues.

The aging population has led to a high-growth industry, with significant investment for new communities and facilities, re-development of existing structures and amalgamations. Our multidisciplinary team advises operators on mergers, acquisitions and divestitures and we provide counsel on joint ventures and structuring of investments. These include cross-border structures, limited partnerships and trusts, to name a few. We also advise operators on various types of financings as well as with general corporate and commercial matters, including contracts and corporate governance.

The lifeblood of any health facility is the dedicated professionals who work within its walls. We help ensure that the day-to-day staffing operations run with as little disruption as possible. We advise operators on all employment and labour matters including the negotiation of collective agreements, grievance arbitrations, care worker qualifications and standards, prevention and management of workplace accidents, employment contracts, performance management, discipline, accommodation and other human rights related issues, and dismissals.

We are committed to partnering with you to help you grow your business while providing high-quality health care for your residents and clients.

## PUBLICATIONS

- [Seniors Residential and Long-Term Care Group Brochure \(PDF, 2.04 MB\)](#)
- ["Update on Physician-Assisted Death: Superior Court Issues Practice Direction with Requirements for Bringing an Application", February 2016](#)
- ["Physician-Assisted Death in Canada: the Next Four Months", January 2016](#)
- ["New Lease Forms", February 2015](#)
- ["Borden Ladner Gervais Congratulates HIROC on Award", September 2014](#)
- Lee Lenkinski, ["Newly Enforced Sections of the Retirement Homes Act and How they will Impact your Operations", March 2014](#)
- ["Highest and Best Use Property Tax Increases", October 2013](#)
- ["New Regulation Respecting the Conditions for Obtaining a Certificate of Compliance & the Operating Standards for a Private Seniors' Residence", April 2013](#)
- Lisa C. Cabel, ["Labour and Employment Issues Arising from the Implementation of the 'Retirement Homes Act,' 2010", April 2013](#)
- ["Tax Implications from the 2013 Federal Budget Tax Measures", March 2013](#)

- ["A Refresher on Privacy: Your Obligations Under the Personal 'Health Information Protection Act,' 2004"](#), March 2013

## REPRESENTATIVE WORK

- We regularly advise retirement communities and long-term care facilities on the following matters, among others:
  - statutory compliance
  - accreditation regulations and guidelines
  - complaints process and mandatory reporting obligations
  - acts that can only be performed by certain categories of health care professionals ("controlled acts")
  - health and safety risks
  - *issues pertaining to leases / tenancies*
  - privacy issues such as access to a resident's file by family members
  - advertising and promotions
- We regularly assist operators of seniors' facilities with the drafting of residential leases and / or tenancy agreements, advertising materials, care home information packages, commercial contracts with suppliers, as well as various policies, notably to ensure compliance with applicable legislation.
- We have advised income trusts and limited partnerships in connection with their constitution and dissolution as well as advised their boards of directors and special committees in connection with mergers and acquisitions and corporate governance matters. We have also advised them in their capacity as buyers and sellers in respect of their multiple acquisitions and divestitures of portfolios of retirement homes across the country by way of shares or assets.
- We have represented operators of seniors' facilities in connection with coroners' investigations and before civil courts and administrative boards, such as provincial rental boards.
- We advised as Special Counsel for Health Care REIT in its May, 2013 \$1.3 billion acquisition of a 75% interest in 47 seniors housing facilities from Revera Inc. Our team consisted of: [Paul Mingay](#), [Stephen Fyfe](#), [Noella Milne](#), Paul Simon, [Andrew Harrison](#), Lisa Cabel, [James Fu](#), Janet Kasun, [Serge Lakatos](#) and Mike Hrabok.

## RANKINGS & RECOGNITIONS

The Healthcare Law Group or its members are recognized in:

- The 2018 edition of *Chambers Canada – Canada's Leading Lawyers for Business*.
- The 2017 edition of *Chambers Global – The World's Leading Lawyers for Business*.
- *The Best Lawyers in Canada*® 2018 for Medical Negligence, Mergers & Acquisitions and Structured Finance Law.

## PRACTICE LEADERS

**Yvan G. Morin**  
Ottawa  
T 613.787.3526  
F 613.230.8842  
[YMorin@blg.com](mailto:YMorin@blg.com)

**Robyn A. Grant**  
Toronto  
T 416.367.6716  
F 416.367.6749  
[rgrant@blg.com](mailto:rgrant@blg.com)

**Kate A. Crawford**  
Toronto  
T 416.367.6729  
F 416.367.6749  
[KCrawford@blg.com](mailto:KCrawford@blg.com)

**Yvan G. Morin**  
Ottawa  
T 613.787.3526  
F 613.230.8842  
[YMorin@blg.com](mailto:YMorin@blg.com)

**Justine Blanchet**  
Calgary  
T 403.232.9799  
F 403.266.1395  
[JBlanchet@blg.com](mailto:JBlanchet@blg.com)

**Katherine Poirier CIRC**  
Montréal  
T 514.954.3175  
F 514.954.1905  
[KPoirier@blg.com](mailto:KPoirier@blg.com)

**Alexandra Nicol**  
Montréal  
T 514.954.3158  
F 514.954.1905  
[ANicol@blg.com](mailto:ANicol@blg.com)