



# What's New in HR Law

## Ontario Issues Orders Relating to Management of Long-Term Care and Retirement Homes

June 9, 2020

The Ontario Government has recently filed two emergency regulations ([O. Reg. 210/20](#) and [O. Reg. 240/20](#)) under the *Emergency Management and Civil Protection Act* that empower the Ontario Government to issue mandatory “management orders” for long-term care homes and retirement homes that are struggling with a COVID-19 outbreak.

Under the two emergency regulations, the Ontario Government can issue a management order under 156(1) of the *Long-Term Care Homes Act, 2007* and 91(1) of the *Retirement Homes Act, 2010* for any facility in which at least one resident or staff member has tested positive for COVID-19, creating a risk of harm to residents. The Ontario Government’s authority to issue a management order under the two emergency regulations applies despite any restriction that might otherwise exist under the *Long-Term Care Homes Act, 2007*, *Retirement Homes Act, 2010*, or any other statute, regulation, order or policy.

Although one positive diagnosis of COVID-19 appears to be a low threshold, in practice, the Ontario Government appears to be reserving the use of management orders for severe cases where a facility has been unable to control an outbreak of COVID-19 over a period of time

This update is for general discussion purposes and does not constitute legal advice or an opinion.

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despite receiving hospital assistance. Notwithstanding this practice, these emergency regulations could signal the beginning of a more interventionist approach.

Where a management order is issued, the Ontario Government will assign a new “manager” to assume management of the facility for a fixed period of time to combat the outbreak of COVID-19. Although the new “manager” can be a person, corporation or hospital, the Ontario Government has primarily been appointing hospitals to assume management of facilities.

### **Need more information?**

If you need more information about COVID-19-related management orders for long-term care or retirement homes, please contact [James Jennings](#) at 416-408-5503, or your regular lawyer at the firm.



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