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## ***Assisted Living Facilities Exempt from the RTA***

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Standing government policy is that the *Residential Tenancy Act* (“RTA”) does not apply to assisted living facilities. The *Residential Tenancy Regulation* (“RTR”) was recently amended to explicitly confirm this.

### What is Assisted Living?

Assisted living under the RTA and RTR means the same thing as in the broader healthcare context – semi-independent housing for individuals with physical or mental health challenges, where they are provided with certain supports to address those challenges. The RTR adopts the definitions of “assisted living residence” and “resident” set out in the *Community Care and Assisted Living Act*, SBC 2002, c 75.

As more specifically defined by the legislation, an assisted living residence is a residence in which housing, hospitality services and assisted living services are provided by the operator of the premises to three or more adults who are not related by blood or marriage to that operator, and who do not regularly require unscheduled professional healthcare. Examples of assisted living services are assistance with eating, dressing, hygiene, or with managing property, money, medication, or behaviour.

Assisted living residences must be registered with the Assisted Living Registrar, so a simple first step in determining whether a particular facility is an assisted living residence is to search the registry at: <https://connect.health.gov.bc.ca/assisted-living-residence>.

The *Community Care and Assisted Living Act* also clarifies that, in circumstances where someone lives with their spouse at an assisted living residence, both are residents of the assisted living residence, even if one spouse does not receive assisted living services.

### What Does it Mean to be Exempted from the RTA?

Residents of an assisted living residence cannot rely on the RTA to govern the actions of the operator of the residence, such as annual rental rate increase limits. Various protections may be available under other provincial legislation, but that is outside the scope of this article.

Residents of an assisted living residence also and cannot have disputes heard by the Residential Tenancy Branch.

**BY JOSHUA KUEPFER**

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