

ASSISTED LIVING OPERATING PROCESS EVICTIONS

Preamble

Assisted Living is a form of long term housing with services such as personal care/and medication management. Tenants need to be able to reside safely and not put other tenants or staff at risk. They need to be aware of, and understand, the rules and policies of the residence and be informed of the consequences in the event of any violation prior to entering Assisted Living. This would be reviewed by the AL Clinician in the Fraser Health Assisted Living Terms of Service and the AL Handbook. In addition to the preoccupancy review of the Tenancy Agreement with the AL Provider.

The AL Provider must have a formal process in place for initiating an eviction. There must be supporting documentation that illustrates that reasonable efforts have been made to notify the tenant of the consequences of their actions. In general, when an issues arises, consideration should be given to:

- whether this is a pattern of behaviour
- the seriousness of the offence and
- when the offence occurred (i.e. over a short period of time versus long periods of time)

In some instances, it may be necessary to expedite the eviction process, due to health and safety concerns. The FH Assisted Living Manager must be advised of these particular instances, prior to any eviction process being initiated.

The AL Provider should have clear criteria for entry and exit as well as a documented process related to when tenants must exit. The AL Provider must articulate in their Tenancy Agreement the grounds for eviction and the formal process for eviction. Tenants may be asked to initial next to the specific statements as proof that this was discussed at signing of the agreement.

General Principles

- The AL Provider must articulate in their Tenancy Agreement grounds for eviction and the process for eviction (A Three Step Process is recommended and outlined below).
- Each of the warning letters/notices should include an amount of time the tenant has to develop and implement strategies to comply with the rules.

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- A time frame should be given as to when the next steps will be initiated.
- There should be clear direction if the infraction occurs again, e.g. if this behaviour occurs even once, Step Two of the Eviction Process will be initiated.
- Each of the warning letter/notices should include some type of “sunset” clause, i.e. If no further infractions occur after a period of time (e.g. 12 months) then the warning process is considered complete and would start from step one if infractions occur after that time.
- For a pre-planned eviction, the AL Provider should choose a time that ensures all necessary support mechanisms are available. These may include assisting the client to be packed for the day of eviction, assisting client to arrange transportation of belongings, having a full complement of staff on during the eviction, having staff trained in Provincial Violence Prevention Curriculum available if indicated, having a staff member responsible for calling 911 if the situation warrants it, hiring security staff to ensure a smooth transition.
- Fraser Health staff will work with the AL Provider on issues related to potential eviction.

Recommended Process

When a tenant breaches the rules of the Assisted Living site the AL Provider will commence:

[Note: Some sites have a “Verbal Warning” or informal step, usually between the tenant and AL Provider, and usually documented in a letter.]

Step One - First Warning

1. Arrange a meeting with the tenant (including family, AL Clinician, etc. as required) to discuss the issue and indicate that this will be Step One of the Three Step Eviction Process. The tenant may have an advocate present during the meeting.
2. Present the tenant with a letter outlining:
 - what the issue/breach is including related details
 - how the issue is contrary to the Tenancy Agreement
 - the expectations for change with clear timelines to effect a change
 - the consequence of continuing the behaviour/activity

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- a review of support options available including AL Manager and/or Clinical Lead, Mental Health, Specialized Seniors Clinic, local Clinical Social Worker (CSW), FH Regional AL CSW for behavioural support plan
 - Sunset clause-if no further infraction occurs, when the warning process will be considered complete.
3. The tenant and the AL Provider should sign the letter. The copy of the letter is given to the tenant/family and AL Clinician. If the tenant does not sign the letter, this should be documented.
 4. Notify the AL Clinician (the AL Clinician may or may not attend the first meeting) of the meeting and outcome. The AL Clinician will notify the AL Manager and AL Clinical Social Worker (CSW).

The AL Clinician will complete the Risk Assessment Report in Paris. As required, the AL Clinician may also complete an updated RAI assessment.

Step Two - Second Warning

1. Meet with the tenant, family/advocate for the tenant (recommended) and the AL Clinician. If needed, invite the FH AL Manager, Clinical Lead and CSW.
2. Discuss the continuing breach of the rules, with documentation outlining the breach(es).
3. Give a second letter of warning to the tenant which includes:
 - The ongoing breach of rules-listing dates of occurrences
 - how the issue is contrary to the Tenancy Agreement
 - The expectation of change with clear time lines to develop and implement strategies to effect the change
 - That this is a second warning and if the behaviour continues-even once-an eviction notice will be issued
 - a review of support options available including AL Manager and/or Clinical Lead, Mental Health, Specialized Seniors Clinic, local Community Social Worker, FH Regional AL CSW for behavioural support plan
4. Sunset clause - if no further infraction occurs, when the warning process will be

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complete.

The AL Clinician will be working with the tenant family/advocate to ensure he/she understands that eviction is pending and will be assisting with identifying appropriate/alternate housing options.

Step Three - Notice of Eviction

1. The AL Provider meets with the tenant, family/advocate, the AL Clinician, AL Manager, AL CSW and gives the tenant an eviction letter/notice outlining:
 - The reason for the eviction-including dates of the previous meetings and letters
 - How the issue is contrary to the Tenancy Agreement
 - The date the tenant must vacate the suite

The AL Clinician will be working with the tenant, family/advocate to ensure he/she understands the eviction and will be assisting with identifying appropriate/alternate housing options. This may include having support from the local CSW, MH team, etc.

When there is an imminent safety threat, the AL Provider may evict the tenant immediately. The AL Provider may call 911 or the non-emergency police line for assistance, depending on the risk to other tenants and staff.

The AL Provider will notify the AL Clinician and the AL Manager.