

FINAL INSPECTION REPORT
Under the *Retirement Homes Act, 2010*

Inspection Information	
Date of Inspection: October 5, 2015	Name of Inspector: Debbie Rydall
Inspection Type: Compliance Inspection	
Licensee: Kenan Corporation / 20 Eglinton Avenue, Toronto, ON M4R 1K8 (the "Licensee")	
Retirement Home: Riverwood Senior Living / 9 Evans Road, Alliston, ON L9R 1M1 (the "home")	
Licence Number: T0243	

Purpose of Inspection
The RHRA conducts compliance inspections as set out in section 77(1) of the <i>Retirement Homes Act, 2010</i> (the "RHA").

NON-COMPLIANCE
<p>1. The Licensee failed to comply with O. Reg. 166/11, s. 57; Trust for resident's money.</p> <p>Specifically, the Licensee failed to comply with the following subsection(s):</p> <p>57. (2) For the purposes of section 72 of the Act, if money is entrusted to the care of a licensee of a retirement home on behalf of residents of the home, the licensee shall establish and maintain at least one non-interest bearing trust account at a financial institution in which the licensee shall deposit all money entrusted to the licensee's care on behalf of the residents.</p>
<p>Inspection Finding</p> <p>The inspection confirmed that money being held in trust was not maintained as per the requirements of the legislation; specifically, the trust account that was set up at the bank was an interest bearing account and for the first few months of 2014, interest was accrued. Further, the operator confirmed that a bank account for resident council funds had been closed and that the money was currently being kept in a locked drawer in the administrator's office.</p>
<p>Outcome</p> <p>Corrective action scheduled to be completed by the Licensee by April 18, 2016.</p>
<p>2. The Licensee failed to comply with O. Reg. 166/11, s. 57; Trust for resident's money.</p> <p>Specifically, the Licensee failed to comply with the following subsection(s):</p> <p>57. (5) The licensee shall not, (b) commingle resident funds held in trust with any other funds that the licensee holds;</p>

Inspection Finding

The evidence collected through interviews and documentation review supported that funds were co-mingled; specifically there were a number of cheques made out to the General Manager, that were deposited into the bank trust account and then the cash amount of the cheque was withdrawn the same day. Further, there was evidence that a large donation cheque made out to the home was deposited into the same bank account and then a cheque made out to "cash" for the same amount on the same day was withdrawn.

Outcome

Corrective action taken by the Licensee.

3. The Licensee failed to comply with O. Reg. 166/11, s. 57; Trust for resident's money.

Specifically, the Licensee failed to comply with the following subsection(s):

57. (7) If the licensee allows residents to entrust money to the licensee's care, the licensee shall establish a written policy and procedures for the management of trust accounts for residents and the petty cash trust money, which shall include,

- (a) a system to record the written authorizations required under subsection (10);
- (b) the hours when a resident, or the person acting on behalf of the resident, can make deposits to or withdrawals from the resident's funds in a trust account and make withdrawals from the petty cash trust money.

57. (8) The licensee shall provide a copy of the written policy and procedures to every resident and person acting on behalf of a resident who asks to have money deposited into a trust account.

Inspection Finding

The Licensee's policy was not completely aligned with the requirements of the legislation relating to the management of trust accounts for residents. There was no evidence provided to support that the resident or the person acting on behalf of the resident received a copy of the policy.

Outcome

Corrective action scheduled to be completed by the Licensee by April 18, 2016.

4. The Licensee failed to comply with O. Reg. 166/11, s. 57; Trust for resident's money.

Specifically, the Licensee failed to comply with the following subsection(s):

57. (9) The licensee shall,

- (a) provide a resident, or a person acting on behalf of a resident, with a written receipt for all money that the licensee receives from the resident, or any other person, for deposit in a trust account for the resident;

(b) if the licensee has deposited in a trust account money received from any person on behalf of a resident, make part or all of the money available to the resident or a person acting on behalf of the resident,

(ii) upon the resident, or the person acting on behalf of the resident, signing an acknowledgement that the resident, or the person acting on behalf of the resident, received the money made available;

Inspection Finding

The evidence gathered through documentation review and interviews with POA's supported that the home failed to manage the money entrusted to the care of the Licensee on behalf of 1 or more residents.

Outcome

Corrective action taken by the Licensee.

5. The Licensee failed to comply with O. Reg. 166/11, s. 57; Trust for resident's money.

Specifically, the Licensee failed to comply with the following subsection(s):

57. (9) The licensee shall,

(f) provide to the resident, or to a person acting on behalf of a resident, a quarterly itemized written statement respecting the money held by the licensee in trust for the resident, including deposits and withdrawals and the balance of the resident's funds as of the date of the statement;

Inspection Finding

There was no documented evidence provided to support that the Licensee had provided quarterly itemized written statements to the resident or the person acting on behalf of the resident as per the requirements of the legislation. Not all of the individuals that were contacted through the inspection process were able to recall routinely receiving the required statements.

Outcome

Corrective action taken by the Licensee.

6. The Licensee failed to comply with O. Reg. 166/11, s. 57; Trust for resident's money.

Specifically, the Licensee failed to comply with the following subsection(s):

57. (9) The licensee shall,

(g) with respect to each resident for whom money is deposited in a trust account, retain for a period of not less than seven years,

(i) the books of account, ledgers, deposit books, deposit slips, pass-books, monthly bank statements, cheque books and cancelled cheques applicable to the trust account,

(ii) the written instructions and authorizations and acknowledgements of receipt of funds of the resident and the person acting on behalf of the resident,

(iii) the written receipts and statements provided to the resident, or a person acting on behalf of a resident.

Inspection Finding

The Licensee failed to maintain the required information pertaining to resident’s trust accounts; specifically the Licensee was unable to provide all information relating to deposit books, monthly statements, check books and cancelled checks applicable to the trust account or the written acknowledgements of receipts and statements.

Outcome

Corrective action taken by the Licensee.

7. The Licensee failed to comply with O. Reg. 166/11, s. 57; Trust for resident's money.

Specifically, the Licensee failed to comply with the following subsection(s):

57. (10) A resident, or a person acting on behalf of a resident, who wishes to pay a licensee for rent, care services or other legitimate charges with money from a trust account shall provide the licensee with a written authorization that specifies what the charge is for, including a description of the goods or services provided, the frequency and timing of the withdrawal and the amount of the charge.

Inspection Finding

The resident trust agreement was not aligned with the legislative requirements; specifically it didn’t include a description of the goods and services provided, the frequency and timing of the withdrawal or the amount of the charge.

Outcome


Corrective action scheduled to be completed by the Licensee by April 18, 2016.

NOTICE

The Final Inspection Report is being provided to the Licensee, the Registrar of the Retirement Homes Regulatory Authority (the "RHRA") and the home's Residents' Council, if any.

Section 55 of the RHA requires that the Final Inspection Report be posted in the home in a conspicuous and easily accessible location. In addition, the Licensee must ensure that copies of every Final Inspection Report from the previous two (2) years are made available in the Home, in an easily accessible location.

The Registrar's copy of the Final Inspection Report, as it appears here, will be included on the RHRA Public Register, available online at <http://rhra.ca/en/register/>

Signature of Inspector 	Date April 15, 2016
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