

Fax Télécopieur



Ontario

Date	25 February 2014	Time/Heure	3:38 PM
To/À	Edward Ulrich	Applicant's Representative	BY FAX:905-687-4811
	Evelyn Spence	Respondent's Representative	BY FAX:416-487-1223

From/De Zak Jarosz

Licence Appeal Tribunal
 530-20 Dundas Street West
 Toronto ON M5G 2C2
 Tel.: 416 314-4260
 1-800-255-2214
 Fax: 416 314-4270
 1-800-720-5292

Tribunal d'appel en matière de permis
 530-20, rue Dundas Ouest
 Toronto ON M5G 2C2
 Tél.: 416 314-4260
 1-800-255-2214
 Téléc.: 416 314-4270
 1-800-720-5292

Telephone/Téléphone 416-212-8601

Fax/Télécopieur 416-314-4270

Pages to follow/Pages à suivre pages including cover

Message

RE: 8587/RHA

**1814124 Ontario Inc. o/a Niagara Gardens Retirement Manor v
 Registrar, Retirement Homes Regulatory Authority
 Please see attached.**

**Thank you,
 Zak**

This facsimile may contain PRIVILEGED and CONFIDENTIAL INFORMATION only for use by the Addressees named above. If you are not the intended recipient of this facsimile or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone. Thank you.

Le présent document télécopié peut contenir des RENSEIGNEMENTS PRIVILEGIÉS ET CONFIDENTIELS destinés exclusivement aux personnes dont le nom est mentionné ci-dessus. Si vous n'êtes pas le destinataire de ce document, ni l'employé ou agent responsable de le délivrer à son destinataire, vous êtes par la présente avisé qu'il est strictement interdit de distribuer ou copier ce document. Si celui-ci vous est parvenu par erreur, veuillez nous en aviser immédiatement par téléphone. Merci.

www.lat.gov.on.ca

Licence
Appeal
Tribunal

Tribunal
d'appel en
matière de permis



DATE: 2013-02-12
FILE: 8587/RHA
CASE NAME: 8587 v. Registrar of the Retirement Homes Regulatory Authority

An Appeal from a Notice of Decision to Refuse a Licence by the Registrar of Retirement Homes Regulatory Authority pursuant to the *Retirement Homes Act, 2010* S.O. c 11

1814124 Ontario Inc. o/a Niagara Gardens Retirement Manor

Applicant

-and-

Registrar of the Retirement Homes Regulatory Authority

Respondent

CONSENT ORDER

CONSENT ORDER

Upon the application to the Tribunal by 1814124 Ontario Inc. o/a Niagara Gardens Retirement Manor, the Applicant, and the Registrar of the Retirement Homes Regulatory Authority for issuance of a Consent Order of the Tribunal without a hearing pursuant to section 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22; and

Having reviewed the written settlement signed by the Applicant and the Registrar of the Retirement Homes Regulatory Authority as to the disposition of these proceedings which is filed and attached hereto as Schedule "A";

NOW THEREFORE, upon consent of the parties, this Tribunal orders that the proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out in the said Schedule "A", which are incorporated into and made part of this Order.

LICENCE APPEAL TRIBUNAL



Patricia McQuaid, Vice-Chair

RELEASED: February 25, 2014

Feb. 24. 2014 10:17AM

No. 2438 P. 6

Received Time Feb. 21. 2014 12:01PM No. 2477

SCHEDULE 'A'**LICENCE APPEAL TRIBUNAL FILE NO. 8587/RHA****IN THE MATTER OF THE RETIREMENT
HOMES ACT, 2010, S.O. 2010, CHAPTER 11****BETWEEN:****1814124 Ontario Inc. o/a Niagara Gardens Retirement Manor****Applicant****- and -****Registrar, Retirement Homes Regulatory Authority****Respondent**

In accordance with Section 4.1 of the *Statutory Powers Procedure Act*, the parties to the proceeding, being 1814124 Ontario Inc. (hereinafter referred to as the "Licensee") and the Registrar, Retirement Homes Regulatory Authority (hereinafter referred to as the "Registrar") waive the requirement of a hearing and hereby request that the Licence Appeal Tribunal grant an Order reflecting the agreement between the parties that a licence be issued to the Licensee, subject to the following terms and conditions:

1. The Licensee shall employ or retain, at its own expense and at all times, a person who will have responsibility to ensure that the Licensee is in full compliance with the *Retirement Homes Act, 2010* (the "Act") and its regulations. Additional and specific responsibilities of this person shall include, but are not limited to:
 - a) acting as the primary contact person for communications with the RHRA, including providing timely responses to inquiries and requests for documents and information made by the RHRA;
 - b) ensuring full and timely payments of RHRA fees on behalf of the Licensee; and
 - c) ensuring that the Licensee has obtained extra expense insurance ("Insurance"), as required by section 5.1 of the regulations, and that the Insurance is maintained in full force and effect for as long as the Licensee operates Niagara Gardens Retirement Manor ("Niagara Gardens" or the "Home").
2. The Licensee shall submit the name, skills and qualifications of the person(s) it proposes to employ or retain under condition 1, above, for the Registrar of the RHRA to review and approve.
3. The Licensee shall immediately notify the Registrar of the RHRA in writing if the approved person, above, ceases employment at the Home.
4. The Licensee shall prepare a written plan acceptable to the Registrar of the RHRA setting out the measures that the Licensee will implement, or has implemented, to manage residents at risk of behaviours, including those at risk of resident-to-resident aggression and wandering/exit-seeking.

Feb. 24. 2014 10:30AM

Received Time Feb. 21. 2014 12:01PM No. 2477
No. 2488 P. 7

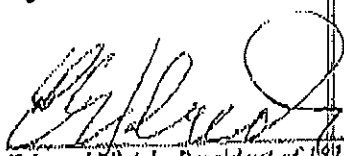
The plan must include (but not necessarily be limited to) techniques to prevent and address resident behaviours that pose a risk to residents or others in the Home, strategies for monitoring residents with behaviours, and protocols for reporting and informing staff and volunteers of resident behaviours.

In addition, the plan shall include a process whereby the licensee will report to the Registrar any admission of residents to the Home whose behaviours pose a risk to the resident or others in the Home. Further, should a resident develop such behaviours in the course of their residency at the Home or if the Licensee admits to the Home a resident at risk of behaviours, the Licensee shall report to the Registrar any interventions and/or the actions that the licensee is taking to assess the resident's care needs and to address the behaviours.

Reports shall be submitted to the Registrar no later than the fifth (5th) day of each month, on a monthly basis.

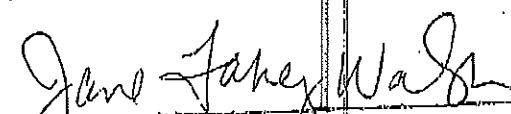
5. The Licensee shall notify the Registrar within five (5) business days of any charges, convictions or findings of guilt under any legislation with respect to (i) the premises, (ii) the Licensee, or (iii) a manager of the Home.
6. The Licensee acknowledges that it has obtained or has had the opportunity to obtain independent legal advice with respect to its consent to the terms and conditions set out in this document.
7. The Licensee agrees to comply with the terms and conditions set out in this document for the duration of its registration, unless the Registrar is satisfied, upon application by the Licensee under Section 43 of the Act, that new or other evidence is available or that material circumstances have changed so as to justify the removal of a condition.

Signed in the City of St. Catharines in the Province of Ontario, this 21st day of Feb., 2014


Edward Ulrich, President of 1814124 Ontario Inc.

I have the authority to bind the Corporation

These terms and conditions are accepted by the Registrar, Retirement Homes Regulatory Authority:


Jane Fahey-Walsh, Acting Registrar

February 21, 2014
Date