
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

Pursuant to the *Retirement Homes Act, 2010* S.O. 2010, Chapter 11, section 93.

3673928 Ontario Inc.
o/a Manoir McGill 342

ORDER NO.: 2022-N0246-93-01 - Manoir McGill 342

Under section 93 of the *Retirement Homes Act, 2010* (the “Act”), the Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and “RHRA”, respectively) may order a person to pay an administrative penalty if the Deputy Registrar believes on reasonable grounds that the person has contravened the *Retirement Homes Act, 2010* (the “Act”) or Ontario Regulation 166/11 under the Act (the “Regulation”).

The Deputy Registrar has reasonable grounds to believe that 3673928 Ontario Inc. (the “Licensee”) operating as Manoir McGill 342 (the “Home”) has contravened sections of the Act and Regulation.

The Deputy Registrar issues this Order to Pay an Administrative Penalty under section 93 of the Act to encourage the Licensee to comply with the Act and Regulation.

The Contraventions and Order listed below are followed by the reasons for this Order, and information on the appeal process.

Contraventions

On June 18, 2021 and August 10, 2021, an RHRA inspector conducted inspections at the Home and found that the Licensee was in contravention of the following sections of the Act and Regulation:

- i) Sections 62(4)(b)(iii) and 62(6) of the Act by failing to provide clear directions to staff regarding the details of a resident’s care service and by failing to ensure that the plan of care was based on an assessment of the resident.
- ii) Section 62(5) of the Act by failing to ensure the resident’s substitute decision maker was given a chance to participate in the development and review of the resident’s plan of care.
- iii) Section 62(8) of the Act by failing to ensure there are protocols to promote the collaboration between staff and external care providers with respect to the implementation of care to a resident.
- iv) Section 35(c) of the Regulation by failing to ensure that a care service was provided to a resident in accordance with the resident’s plan of care.

- v) Section 67(2) of the Act by failing to ensure that a resident was not neglected.

These provisions of the Act are set out in the attached Legislation section of this Order

Brief Summary of Facts

A care service was not being provided to a resident as set out in her plan of care and resident's agreement which contributed to an exacerbation of the resident's health condition.

Administrative Penalty Factors

1. **Previous contraventions:** This is the first time that the Licensee has been cited for neglect of a resident and the Licensee ultimately acknowledged the Home's failures and need for improvement in certain areas of care. The Home has a reasonably compliant history, which mitigates the quantum of penalty
2. **Mitigating Factors:** The Licensee took corrective action in response to the inspection by way of updating the Home's care service policy and re-training staff on the protocols around providing that care service to residents. There were no findings of noncompliance with respect to that care service on a subsequent inspection of December 21, 2021 and the Licensee had improved its compliance with plans of care. The Licensee also advised that the Home has put in place protocols to ensure that there will be no future failures with respect to the provision of services to residents and that any concerns regarding residents are adequately communicated to staff and subsequently addressed. The Licensee's good-faith actions mitigate the quantum of penalty.
3. **Scope of Non-Compliance:** To the Deputy Registrar's knowledge only one resident was affected by the failure to provide assistance with the care service as set out in the resident's agreement.
4. **Severity of Non-Compliance:** This resident's health was severely compromised. The Home's staff, if providing the care service to the resident properly, should have escalated the health concerns to the DOC and to the family so that medical assistance could be sought.
5. **Economic Benefit of Non-Compliance:** There is no evidence of a direct economic benefit to the Licensee from the noncompliance. However, much like other contraventions, there is indirect benefit associated with the contraventions, in that adherence to the Act and Regulation demands greater economic commitment from the Licensee than the alternative. This factor is neither mitigating nor aggravating in this case and is a neutral consideration in the Deputy Registrar's determination of the amount of the penalty in this case.

Issued on March 29, 2022