
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

2210221 Ontario Corporation
o/a Country Meadows Retirement Residence
6124 Ana Street
Brunner, ON N0K 1C0

ADMINISTRATIVE PENALTY ORDER NO. 2022-T0113-93-01

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that 2210221 Ontario Corporation (the “Licensee”) operating as Country Meadows Retirement Residence (the “Home”) has contravened sections of the *Retirement Homes Act, 2010* (the “Act”).

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 requirements under the Act and Regulation.

Contraventions

The Deputy Registrar has reasonable grounds to believe that the Licensee contravened the following sections of the Act:

- Section 64(1) and (2) of the Act
- Section 13(1) and (2) of the Regulation.

Brief Summary of Facts

1. On two inspections of the Home, conducted seven months apart, the inspector found, among other things, that the Licensee was not in compliance with s. 13(1)(a) and (2) of the Regulation as the Licensee failed to ensure that agency staff employed by the Licensee had the required vulnerable sector screening checks (“VS checks”) in place. Specifically, a number of agency staff employed by the Licensee had police checks completed, however they did not have VS checks as the Regulation requires.

2. Despite the fact that the Licensee advised it would take corrective action after the inspection in August 2021, as of the subsequent inspection of March 2022, that corrective action had not been taken.
3. Additionally, in June, 2019, and in June, 2021, the Licensee was previously found non-compliant with the requirement that staff have a VS check completed before starting to work in the Home

Administrative Penalty Factors

4. The Deputy Registrar considered the factors contained in subsection 60.1(1) of the Regulation in determining the amount of the Administrative Monetary Penalty:

PAYMENT RANGE

5. The Registrar considered the factors set out at s. 60.1(1) of the Regulation in determining the amount of the Administrative Penalty.
 - a) **Severity of Adverse Effect / Potential Adverse Effect:** VS checks are required to reduce the risk that staff in the Home pose a threat to the safety and security of residents. If staff are not appropriately screened, the Licensee could be unknowingly putting residents at risk of harm. However, the Deputy Registrar recognizes that in some cases the involved staff had police checks, but lacked the VS check component, which mitigates some of the risk. On the whole the risk of harm in this case is on the lower side of moderate.
 - b) **Mitigation of Contravention:** While the Licensee has set out measures to ensure that all staff would have VS checks completed, this is the fourth time that the Licensee has been cited for failing to ensure that its staff have VS checks. Given this, there is reason to doubt that the Licensee is committed to ensuring compliance going forward.
 - c) **Previous Contraventions:** The non-compliance in this case was not confined to one individual or a small number of individuals. Rather multiple staff members over time have been working in the Home without proof of VS checks. The Licensee has been found non-compliant in this regard on four separate inspections. This is a factor weighing in favour of a larger monetary amount, as it demonstrates that findings of non-compliance are not sufficient to motivate the Licensee to correct its behaviour.
 - d) **Economic Benefit:** The Licensee has saved itself the cost of VS checks for some of its staff. This cost would be nominal and so this is not a significant factor in this monetary penalty.

Issued on May 24, 2022