
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

2259976 Ontario Inc.
o/a Kelso Pines Retirement Home
1685 3rd Avenue
Owen Sound, ON N4K 4R3

ADMINISTRATIVE PENALTY ORDER NO. 2022- S0105-93-01

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that 2259976 Ontario Inc. (the “Licensee”) operating as a Kelso Pines Retirement Home (the “Home”) has contravened sections of the *Retirement Homes Act, 2010* (the “Act”) and Ontario Regulation 166/11 (the “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 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 and Regulation:

- Sections 60(1), 62(4)(b) and 62(12) of the Act (related to plans of care)
- Sections 38 and 42(6) of the Regulation (related to skin and wound care and assistance with personal hygiene)

Brief Summary of Facts

A resident of the Home did not receive the required health care services to which he was entitled which affected his mobility and health.

Administrative Penalty Factors

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

- a) **Severity of Adverse Effect / Potential Adverse Effect:** The consequences of the conduct at issue were at least moderate. The resident was harmed as a result of the failure of the Home's staff to address the resident's health care issues.
- b) **Mitigation of Contravention:** The Licensee took steps to remediate the errors and demonstrated insight regarding the issues identified during the inspection. They appear to have taken the concerns set out in the complaint seriously. However, the Licensee does not appear to have addressed them entirely as evidenced by a further inspection on December 1, 2021 which found concerns that overlap, discussed further below.
- c) **Previous Contraventions:** The Home was the subject of a Compliance Order on April 24, 2020 pertaining to, among other things, plans of care. While the Order was noted as being substantially complied with in May 2020, the inspection conducted on August 23, 2021 resulted in a finding of non-compliance with respect to section 62(12) of the Act, and namely a failure to follow prescribed requirements listed in a plan of care. A subsequent December 1, 2021, routine inspection resulted in citations regarding assistance with personal hygiene and bathing, similar to the ones raised in the August inspection, suggesting that some of the issues cited on the subject inspection have not been dealt with. These repeated findings of non-compliance weigh in favour of a higher monetary penalty.
- d) **Economic Benefit:** The Licensee did not derive an economic benefit from the non-compliance and so this is a neutral factor in the determination of the amount of the monetary penalty.

Issued on July 6, 2022