
COMPLIANCE ORDER TO BE MADE AVAILABLE IN HOME

Pursuant to the *Retirement Homes Act, 2010* S.O. 2010, Chapter 11, section 90.

Lutheran Homes Kitchener-Waterloo
o/a Trinity Village Studios
2727 Kingsway Drive
Kitchener, ON N2C 1A7

COMPLIANCE ORDER NO. 2022-T0008-90-01 – TRINITY VILLAGE STUDIOS

Under section 90 of the *Retirement Homes Act, 2010* (the “Act”), the Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) may serve an order on a licensee ordering it to refrain from doing something, or to do something, for the purpose of ending the contravention and achieving compliance, ensuring that the contravention is not repeated, and that compliance is maintained. The Deputy Registrar issues this Compliance Order (the “Order”) to ensure that Lutheran Homes Kitchener-Waterloo (the “Licensee”) operating as Trinity Village Studios (the “Home”) comes into and maintains compliance with the Act and Ontario Regulation 166/11 under the Act (the “Regulation”).

CONTRAVENTION

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

- S. 67(1) and (4) of the Act – failing to protect a resident from abuse by anyone and failing to ensure that the Home’s policy to promote zero tolerance of abuse and neglect was complied with;
- S. 74(a)(i) of the Act;
- S. 75(1) of the Act - failing to immediately report to the Registrar where there are reasonable grounds to suspect that a resident was abused by anyone; and
- S. 23(1)(a, b, c) of the Regulation.

BRIEF SUMMARY OF FACTS

There were a number of suspected incidents at the Home in which a resident (Resident A) touched other residents in a sexual manner without their consent. The most recent incident occurred in the fall of 2022. There had been allegations of several incidents of this nature involving this same resident in previous years. In a number of the incidents, despite having

reasonable grounds to suspect that abuse may have taken place, staff at the Home did not take appropriate action to report, investigate, or follow up to ensure appropriate monitoring of Resident A was documented. This was in breach of the requirements under the Act, as well as in breach of the Home's policies.

The Licensee has since taken appropriate action to ensure that Resident A's behaviour no longer poses a risk to other residents at the Home. The Licensee has also advised of various other measures it has taken to ensure compliance, including posting mandatory reporting requirements for staff around the Home, ensuring staff are given access to training modules, and enhancing the Home's monitoring tools from paper-based to electronic. Further, the Licensee advised that all staff would attend training facilitated by Elder Abuse Prevention Ontario.

Due to the past failures of staff in the Home to appropriately identify, report, and immediately investigate suspected or alleged abuse of residents, but given the Licensee's efforts to ensure future compliance, the Deputy Registrar considers it appropriate to issue an Order as set out below. This Order will ensure that the Licensee follows through with its intended plan to provide staff training from Elder Abuse Prevention Ontario and to ensure that the RHRA is in a position to approve the content of the training.

REQUIRED ACTION

Pursuant to section 90 of the Act, the Deputy Registrar orders the Licensee to comply with the following:

1. By December 31, 2022, ensure that all Home staff attend a workshop with a focus on identifying and responding to resident-resident abuse facilitated by Elder Abuse Prevention Ontario (EAPON). The Licensee must ensure that the content of the workshop is approved by the RHRA prior to the workshop taking place. The Licensee must provide the RHRA with evidence that all staff have attended (or viewed a recording they cannot attend in person) the workshop;
2. The Licensee must demonstrate to the RHRA that it has complied with action 1 set out above.

Issued on November 24, 2022.