
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

Symphony Senior Living Ottawa LP
o/a Forest Valley Terrace by Symphony
1510 St. Joseph Boulevard
Orleans, ON K1C 7L1

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Symphony Senior Living Ottawa LP (the “Licensee”) operating as Forest Valley Terrace by Symphony (the “Home”) has contravened sections of the *Retirement Homes Act, 2010* (the “Act”). This Order is made in conjunction with a Compliance Order, issued the same date, requiring the Licensee to, among other things, review and update the plans of care of all residents to ensure compliance with the Act and Regulation and to demonstrate that all of the Home’s management and staff, including new hires are trained and that staff training occurs annually or as required.

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 Ontario Regulation 166/11 made under the Act (the “Regulation”).

Contraventions

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

Sections 62(4)(a), 62(4)(b)(i), (ii), (iii), and 62(9)1 of the Act by failing to provide clear directions to staff who provide direct care to residents, failing to have a plan of care on file for one resident, and failing to obtain the required approvals for resident plans of care.

Section 62(12)(b) of the Act-by failing to review and revise resident plans of care to reflect a change of care needs.

Brief Summary of Facts

The Licensee was found to be repeatedly non-compliant with plan of care requirements, as set out above, over the course of four RHRA inspections that took place between June 3, 2021 and November 30, 2021.

Administrative Penalty Factors

1. **Previous Contraventions:** The Licensee has been repeatedly non-compliant with sections 62(4) and 62(9) of the Act relating to resident plans of care, despite advising RHRA inspectors that corrective action would be taken.
2. **Mitigation of Contravention:** The Licensee has taken some corrective action to mitigate the adverse effect of the contraventions, including updating resident plans of care and integrating additional assessment tools into the plans of care. The Licensee's corrective actions mitigate the quantum of penalty.
3. **Severity of Adverse Effect / Potential Adverse Effect:** Pursuant to the criteria set out in section 60.1 of the Regulation, the Deputy Registrar determined the potential adverse effect was minor. However, the failure to appropriately keep plans of care up to date and to provide clear direction to staff creates a risk of harm to residents, in that it becomes more likely that resident care will fail to address the resident's needs and that those proper interventions will fall through the cracks.
4. **Economic Benefit:** It does not appear the Licensee derived any economic benefit from the above-described non-compliance.
5. **Purpose of Administrative Penalty:** The purpose of this Administrative Penalty Order is to encourage compliance with the Act and Regulation going forward.

Issued on March 23, 2022.