
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

London Canada Investors Limited Partnership
o/a Arbor Trace Alzheimer's Special Care Center
120 Chelton Road
London, ON N6M 1C6

ADMINISTRATIVE PENALTY ORDER NO. 2022-S0221-93-01

The Deputy Registrar of the Retirement Homes Regulatory Authority (the "Deputy Registrar" and the "RHRA", respectively) has reasonable grounds to believe that London Canada Investors Limited Partnership (the "Licensee") operating as Arbor Trace Alzheimer's Special Care Center (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:

- Section 67(2) of the Act for failing to protect residents of the Home from neglect.
- Section 27(5)(0.b)(ii) of the Regulation for failing to follow all guidance, advice, or recommendations given to retirement homes by the Chief Medical Officer of Health ("CMOH") and to ensure all reasonable steps are taken in the retirement home to follow any directive respecting coronavirus (COVID-19) issued to long-term care homes by the CMOH under section 77.7 of the Health Protection and Promotion Act.

Brief Summary of Facts

The Licensee repeatedly failed to follow all guidance, advice, or recommendations given to retirement homes by the Chief Medical Officer of Health relating to COVID-19 and failed to take all reasonable steps in the retirement home to follow any directive respecting COVID-19 issued to long-term care homes by the CMOH.

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 Penalty:

- a) **Severity of Adverse Effect / Potential Adverse Effect:** The adverse effect or potential adverse effect on residents resulting from the Licensee's failure to fully implement all IPAC measures is moderate. There are obvious and significant risks associated with allowing staff to work in the Home without the appropriate personal protective equipment and failing to perform active screening. It is particularly discouraging that staff have identified that they have experienced symptoms of COVID-19 but were allowed to work in any event.
- b) **Mitigation of Contravention:** The Licensee provided a response to the inspection report indicating that they had "conducted protocols" for IPAC including, following all steps for being compliant with the Directives of the CMOH and other government issued directives, including screening, rapid testing IPAC hand hygiene, and PPE audits.
- c) **Previous Contraventions:** The Licensee has been repeatedly found to be non-compliant with section 27(5)(0.b) of the Regulation, including failing to perform active screening at two previous RHRA inspections which occurred on July 13, 2021, September 15, 2021, and failing to have appropriate medical grade masks at an RHRA inspection on October 28, 2021. Further, the Licensee was previously issued a Compliance Order in December 2020 for, among other things, failing to comply with IPAC requirements and the CMOH Directives, and specifically for failing to perform active screening.
- d) **Economic Benefit:** Although the Licensee did not derive a direct economic benefit from the non-compliance, there was some indirect economic benefit as it allowed the Licensee to avoid finding alternative staffing and allowed several of the Home's staff to continue working in the Home despite indicating that they had experienced COVID-19 symptoms.
- e) **Purpose of Administrative Penalty:** The purpose of the Administrative Penalty is to encourage compliance with all COVID-19 guidance, advice, and recommendations going forward.

Issued on July 11, 2022.