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## **ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME**

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

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HCN-Revera Lessee (Alta Vista) LP  
o/a Alta Vista Manor  
751 Peter Morand Crescent  
Ottawa, ON, K1G 6S9

### **ADMINISTRATIVE PENALTY ORDER NO. 2022-N0393-93-01 – ALTA VISTA MANOR**

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that HCN-Revera Lessee (Alta Vista) LP (the “Licensee”) operating as Alta Vista Manor (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.

### **CONTRAVENTION**

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

- Section 67(2) of the Act by failing to ensure that a staff member had the appropriate training required to perform their duties, resulting in a resident not being properly secured into a vehicle operated by the Home for an outing and which contributed to the death of that resident; and
- Section 65(2) of the Act, by failing to provide staff with appropriate training which resulted in a resident not being properly secured in the company’s vehicle.

### **BRIEF SUMMARY OF FACTS**

During an outing in November 2021, a staff member of the Home did not properly secure a resident into a vehicle operated by the Home. There was an incident involving the vehicle and the resident (“the Resident”) was severely injured. The staff member had not received the appropriate training in the Home’s policy on securing residents.

## 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 on the Resident was extremely serious – the failure of staff to ensure the Resident was appropriately secured ultimately led to their death. It was also avoidable – had the Resident’s seatbelt been checked to ensure it was fastened, they almost certainly would not have sustained the injuries they did. The moderate severity of the adverse effect is a factor that weighs in favour of a higher administrative penalty.
- b) **Mitigation of Contravention:** The Licensee appears to have taken this incident seriously and demonstrated insight. The corrective action demonstrated by the Licensee included making changes on a regional and national basis. The Licensee’s response to the Draft Inspection Report was thorough and indicated an intention to ensure that drivers are appropriately trained going forward, including with respect to securely harnessing residents. The Licensee’s mitigation efforts are factors in reducing the amount of the administrative penalty.
- c) **Previous Contraventions:** A January 2021 inspection led to findings of non-compliance with medication administration, falls, and complaints processes. A July 2021 inspection at the Home led to a finding of non-compliance with respect to training, additional training for direct care staff and staff training. It appears that training deficiencies identified in the July 2021 inspection were remedied only on a limited basis and not comprehensively (i.e., the Licensee did not ensure that all training for staff in the Home was reviewed to ensure it was adequate). Otherwise, the Licensee appears to have a reasonable compliance history prior to this incident. The Licensee’s overall good compliance is a factor in reducing the amount of the administrative penalty. However, the fact that inadequate training has been identified twice at this Home weighs in favour of increasing the penalty. Overall, this factor is neutral in determining the amount of the penalty.
- d) **Economic Benefit:** The Licensee did not derive an economic benefit from the non-compliance.
- e) **Purpose of Administrative Penalty:** The harm in this case was serious and avoidable. Training was not appropriately provided to staff. With this penalty the Deputy Registrar intends to motivate the Licensee to ensure that this kind of lapse does not occur again. Accordingly, the Administrative Penalty Order should be issued and should be in the moderate range.

**Issued on August 22, 2022.**