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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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2652366 Ontario Inc.  
o/a Adair Place Retirement Residence  
462 Adair Road  
Tamworth, ON K0K 3G0

### **ADMINISTRATIVE PENALTY ORDER 2022-N0489-93-01**

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that 2652366 Ontario Inc. (the “Licensee”) operating as Adair Place Retirement Residence (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.

### **Contraventions**

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

- Section 39 of the Act for failing to comply with the conditions imposed on its licence by the Deputy Registrar.

### **Brief Summary of Facts**

An RHRA inspector conducted an inspection of the Home on July 11, 2022 and determined that the Licensee had terminated the individual who satisfied the conditions imposed on their licence. The inspector concluded that the Licensee did not have a person in place to replace this individual, and failed to notify the RHRA of the change in this individuals contractual status with the Licensee as required by Condition 2 on their licence.

### **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 potential adverse effect of the Licensee's failure to comply with its licence conditions is relatively minor. Conditions on a licence are imposed because the RHRA considers them to be necessary to ensure that resident safety and security is protected. When licensees do not comply with conditions on their licence, particularly conditions requiring that an experienced person ensure compliance with the Act and Regulation, it inherently puts residents at risk. That said, the time period between the termination of the individual who satisfied the condition and the hiring of their replacement, was approximately one month, which is not a significant amount of time. This is a factor in reducing the potential adverse effect.
- (b) **Mitigation of Contravention:** The Licensee has since corrected the non-compliance and has hired an experienced individual to satisfy the Home's licence conditions.
- (c) **Previous Contraventions:** The Licensee has previously been cited with section 39 of the Act for breaching their licence conditions at three separate RHRA inspections. However, all of these breaches centered around the conditions issued on the Home's licence in November 2018 which presented more of a challenge for the Licensee to meet. Although this is the first time the Licensee has been cited for failing to comply with their amended licence conditions, Condition 2, the requirement to immediately notify the RHRA of a change in the individual's contractual status, remained the same between the 2018 conditions and the amended 2021 conditions. There has been no excuse for the Licensee to fail to comply with Condition 2 since the conditions were imposed in 2018. The Licensee has known since 2018 of the obligation to immediately notify the RHRA of any change in the contractual status of the individual identified in Condition 1, but has failed numerous times to do so.
- (d) **Economic Benefit:** The derived economic benefit from the non-compliance was minimal as it may have enabled the Licensee to save money by not employing a qualified individual, as required by the licence conditions, in this role from June 20, 2022 to August 10, 2022.
- (e) **Purpose of Administrative Penalty:** The primary purpose of this Administrative Penalty Order is to encourage compliance with the Act and Regulation going forward. An Administrative Penalty Order will encourage the Licensee to maintain compliance with their conditions, including ensuring that an individual described in Condition 1 is always employed and immediately notifying the RHRA of any changes in this individual's contractual status with the Licensee as required by Condition 2.

**Issued on November 29, 2022.**