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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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Muskoka Hills Retirement Villa Inc.  
o/a Muskoka Hills Retirement Villa  
690 Muskoka Road  
Hwy #118 W. RR 1  
Bracebridge ON P1L 1W8

### ADMINISTRATIVE PENALTY ORDER NO. 2022-N0360-93-01 – MUSKOKA HILLS RETIREMENT VILLA

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Muskoka Hills Retirement Villa Inc. (the “Licensee”) operating as Muskoka Hills Retirement Villa (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.

### CONTRAVENTION

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

- Section 67(1) of the Act – Failing to protect a resident from abuse by anyone.
- Section 61(1) of the Act - Preventing a resident of the home from applying for care services from an external care provider of the resident’s choosing.

## REQUIRED ACTION

The Deputy Registrar orders the Licensee to pay an administrative penalty to the RHRA within 30 days of the date of service of this Order.

## BRIEF SUMMARY OF FACTS

The Licensee implemented an unnecessarily restrictive visitation policy that only allowed residents to have visitors into the Home during business hours on weekdays and did not allow visitors on weekends. Further, there was no formal written communication of this policy to residents. This policy constituted a form social isolation and emotional abuse.

The Licensee also contravened section 61(1) of the Act by preventing a resident of the home from applying for care services from an external care provider of the resident's choosing. The Licensee's staff had a policy that external care providers were only allowed into the Home for wound care and not for other care services.

## 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 severity of adverse effect/potential adverse effect was moderate. The policy of the Home that was apparently communicated to residents and their families was to allow visitors into the Home only on weekdays during business hours. This would obviously severely restrict any visitors that work conventional business hours. This Licensee imposed these unnecessary restrictions on residents for what appears to have been at least 19 months (March 2021 – October 2022). Residents reported that the visitor restrictions were very upsetting and made the Home feel like a prison.
- b) **Mitigation of Contravention:** The Licensee provided no response to the findings of non-compliance. The Licensee advised that it attempted to respond to the draft report but had sent it to the wrong e-mail address. When offered an opportunity to discuss the final report and to debrief, the Licensee indicated that there was no point because the final report had already been issued. The RHRA recognizes that the requirement for active screening of visitors has now been lifted, and so in theory the staffing concerns that the Licensee used to justify imposing visitor restrictions of this kind will no longer be an issue. While the Home recently hired a new employee, which the Licensee believes will assist with loosening visitation restrictions, there is no explanation as to why the Home did not do so earlier. The Licensee has not demonstrated that it has any insight into the harmful effects its restrictions have on residents. The Home did not mitigate the contravention in any significant way even when warned in March 2021, and so this does not reduce the amount of the penalty.
- c) **Previous Contraventions:** The Home was previously found non-compliant because it did not have a visitor policy as required by the Chief Medical Officer of Health's guidance to retirement homes and it did not have any procedure for communicating a

visitor policy to residents or their families. Due to this finding, on March 10, 2021, the RHRA issued an Enforcement Warning Letter expressing these concerns and expressing concern that the Home's visitation practices were overly restrictive. This warning letter appears not to have made the Licensee more cognizant of resident rights to visitation, and the Home continues to have only a boilerplate visitor policy in place that has been copied and pasted and does not reflect its actual practices. The fact that the Licensee did not take the opportunity in March of 2021 to consider the effects of its overly restrictive visitor policies on residents and continued to impose them is an aggravating factor that weighs in favour of a higher penalty.

- d) **Economic Benefit:** The Licensee has derived an indirect economic benefit from its restrictive policies in that it has not had to pay extra staff to ensure that residents can be visited in a reasonable manner. This factor is not possible to quantify and so does not weigh in the decision.
- e) **Purpose of Administrative Penalty:** The purpose of the Administrative Penalty is to encourage compliance going forward and to ensure that the Licensee understands that resident mental health and social well-being are extremely important when instituting visitation policies. The RHRA attempted to clarify this message to the Licensee through a lighter touch approach, but it appears to the Deputy Registrar that the Licensee did not internalize this lesson and requires a penalty to encourage compliance into the future.

**Issued on December 23, 2022**