
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

8158 Lundy's Inc.
o/a Residence on Lundy's Lane
8158 Lundy's Lane
Niagara Falls ON L2H 1H1

ADMINISTRATIVE PENALTY ORDER NO. 2023-S0511-93-01 – RESIDENCE ON LUNDY'S LANE

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that 8158 Lundy's Inc. (the “Licensee”) operating as Residence on Lundy's Lane (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(2) of the Act - Every licensee of a retirement home shall ensure that the licensee and the staff of the home do not neglect the residents.

BRIEF SUMMARY OF FACTS

1. On September 14, 2022, RHRA inspectors conducted an inspection at the Home. The inspectors found as follows:
 - a) The Licensee failed to provide the required care and assistance as a resident was inappropriately moved to an alternate living facility and denied any care or accommodation from the Home. As a result, the Licensee's inactions jeopardized the health and safety of the resident, and the Licensee failed to protect the resident from neglect.

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 was significant and had the potential to cause serious harm to the resident. It is in the moderate range. Home staff sent Resident A to an unfamiliar facility. He left that facility and wandered at night. This posed a significant risk to the resident. When the resident returned to the Home, he was issued a notice of trespass and sent back to the other facility. The resident was denied the care that he was supposed to receive from the Home as well as his accommodation at the Home. The potential adverse effect on the resident's physical health, and the resident's emotional and mental wellbeing was significant.

b) Mitigation of Contravention:

The Licensee appeared to take some steps that might mitigate the severity of the effect as Home staff contacted the facility to which the resident was transferred and made some attempt to coordinate the care needs of the resident. They also contacted the resident's Power of Attorney and advised that the resident was being moved to another facility. However, these are bare minimum steps. These steps weigh in favour of slightly reducing the amount of the penalty but certainly do not negate the significant potential adverse effect.

The Licensee has submitted plans indicating that staff will take more appropriate steps to transition residents to different facilities in the future. However, as noted above, the Licensee has not demonstrated insight into the risk of potential harm that resulted in moving Resident A to a new location in the evening and to then refusing to allow the resident back into the Home. The Licensee's failure to demonstrate insight and provide the Deputy Registrar with confidence that such behaviour would not be repeated weighs in favour of a higher penalty.

c) Previous Contraventions:

This Licensee has not been found to have neglected a resident in this manner previously and so this is a neutral factor in assessing the penalty amount.

d) Economic Benefit:

The Licensee did not receive any apparent economic benefit from this incident and so this is not a factor in assessing the penalty amount.

e) Purpose of Administrative Penalty:

The purpose of the penalty is to encourage the Licensee to comply and to maintain compliance going forward.

Issued on January 31, 2023