
COMPLIANCE ORDER TO BE MADE AVAILABLE IN HOME

Pursuant to the *Retirement Homes Act, 2010* S.O. 2010, Chapter 11, section 90.

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

COMPLIANCE ORDER NO. 2023-S0511-90-01 – RESIDENCE ON LUNDY'S LANE

Under section 90 of the *Retirement Homes Act, 2010* (the "Act"), the Deputy Registrar of the Retirement Homes Regulatory Authority (the "Deputy Registrar" and the "RHRA", respectively) may serve an order on a licensee ordering it to refrain from doing something, or to do something, for the purpose of ending the contravention and achieving compliance, ensuring that the contravention is not repeated, and that compliance is maintained. The Deputy Registrar issues this Compliance Order (the "Order") to ensure that 8158 Lundy's Inc. (the "Licensee") operating as Residence on Lundy's Lane (the "Home") comes into compliance with the Act and Ontario Regulation 166/11 under the Act (the "Regulation").

CONTRAVENTIONS

The Deputy Registrar has reasonable grounds to believe that the Licensee is not in compliance with the following sections of the Act and Regulation:

- s. 17(1) of the Regulation - Every licensee of a retirement home shall ensure that the common areas of the home, including the floors and any furnishings, equipment and linens in those areas, are clean and sanitary;
- s. 18(3) of the Regulation - The licensee shall ensure that timely action is taken to deal with pests in the retirement home.
- s. 75(1) para. 2 of the Act – A person who has reasonable grounds to suspect that any of the following has occurred or may occur shall immediately report the suspicion and the information upon which it is based to the Registrar:
 2. Abuse of a resident by anyone or neglect of a resident by the licensee or the staff of the retirement home of the resident if it results in harm or a risk of harm to the resident.

- s. 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.

REASONS FOR THE ORDER

1. On September 14, 2022, RHRA inspectors conducted an inspection at the Home. The inspectors found as follows:
 - a) Common bathrooms contained personal items and sinks, mirrors and flooring that required cleaning. Additionally, inspectors observed several areas of debris and food particles within the hallways of the Home;
 - b) One resident had not been re-assessed when they had a change of status and the plan of care did not have clear direction of who provides care, as this resident receives some support through external care providers. One plan of care was found to have a goal that was not being complied with as it related to cleaning the resident's room;
 - c) Insects were found in the Home including what appeared to be flies, fruit flies and sewer flies;
 - d) Information about an incident of witnessed resident abuse by an external party in which the police were contacted and the resident sustained an injury. The resident was sent to hospital as a result. The incident was not reported, as required, to the RHRA; and,
 - e) One resident's room, which was supposed to have housekeeping services, had human waste on the floor and around the toilet of the bathroom. Staff had not cleaned the resident's room in over a week. The Licensee failed to protect the resident from neglect due to staff's inaction of providing services to the resident as required.

REQUIRED ACTION

Pursuant to section 90 of the Act, the Deputy Registrar orders the Licensee to comply with the following:

1. Within 30 days of the issuance of this Order, conduct an audit to ensure that a maintenance program for the Home is in place and implemented as required by s. 19 of the *Regulation*, and that bathrooms are usable.
2. Ensure that resident suites are cleaned as scheduled or as otherwise necessary to ensure that residents are living in sanitary conditions pursuant to their entitlements in their resident agreements or plans of care, as applicable.

3. For 6 months following the issuance of this Order, provide the RHRA with a report on the final day of each month confirming that resident suites have been cleaned per paragraph 2, above.
4. Within 30 days of the issuance of this Order, ensure that all Home staff have been educated on the requirement that the RHRA is notified of suspected resident abuse or neglect in the circumstances set out in s. 75(1) of the Act.
5. Retain a pest control company to assess the Home, and within 30 days of the issuance of this Order, develop an ongoing plan to control pests in the Home, and implement the plan. Provide the RHRA with a copy of the plan within 30 days of the issuance of this Order.
6. For 6 months after the issuance of this Order, provide the RHRA with a report on the final day of each month demonstrating that the pest control plan referred to in paragraph 5 above is being implemented.
7. The Licensee must submit any additional reports on its compliance with the actions above at such regularity as is determined by the RHRA Compliance Monitor.

Issued on January 31, 2023