
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

NLG LP One General Partner Inc.
o/a Harbour Hill Retirement Community
104 Suncoast Drive
Goderich ON N7A 0A7

ADMINISTRATIVE PENALTY ORDER 2023-S0503-93-01 – HARBOUR HILL RETIREMENT COMMUNITY

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that NLG LP One General Partner Inc. (the “Licensee”) operating as Harbour Hill Retirement Community (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:

- 67(1) of the Act in relation to the Licensee’s failure to protect a resident from abuse;
- 67(4) of the Act in relation to the Licensee’s failure to comply with the zero tolerance of abuse and neglect policy; and
- 75(1)2 of the Act in relation to the Licensee’s failure to report a suspected abuse of a resident to the Registrar of the RHRA.

BRIEF SUMMARY OF FACTS

A resident of the Home was verbally abused by a staff member, over the period of at least an hour. The Licensee did not report this abuse to the Retirement Homes Regulatory Authority, did not undertake an immediate investigation of the incident and did not separate

the abusive staff member from caring for the resident pending the completion of its investigation.

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 non-compliance with the abuse provisions had a moderate adverse effect on at least one resident of the Home. It is clear from the incident report that the abused resident was agitated and upset. The adverse effect extended to staff as well, as one employee reported that she resigned due to the inaction of management with respect to the abuse.
- b) **Mitigation of Contravention:** The Director of Care (DOC) did immediately have staff review the zero-tolerance policy, behaviour management policy and bill of rights pending the investigation. As an outcome of his investigation, the VP Operations did recommend further education and training for its staff. Additional mitigation efforts have been taken in response to the inspection. However, efforts to mitigate are undermined by the fact that the VP Operations did not recognize the incident as abuse, that the Licensee did not report it to the RHRA or the resident's substitute decision maker (SDM), did not start its investigation immediately, and did not separate the abuser from the resident pending its investigation. Additionally, the DOC conveyed to staff that the incident had been reported to the RHRA, when it had not.
- c) **Previous Contraventions:** The Licensee had not been cited for non-compliance with the abuse provisions in the past. Subsequent to this inspection however, the Licensee was cited with neglect which it also failed to recognize or report. Over two inspections, there were two citations for failure to investigate and failure to report after a suspected incident of abuse or neglect. The Licensee demonstrated little insight into its role in either the abuse or the neglect.
- d) **Economic Benefit:** There is no known economic benefit from the contravention.

Issued on February 28, 2023.