
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

873888 Ontario Limited
o/a Rosedale Retirement Residence
12 William Street
Brampton, ON L6V 1L2

ADMINISTRATIVE PENALTY ORDER NO. 2023-T0408-93-01 – ROSEDALE RETIREMENT RESIDENCE

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that 873888 Ontario Limited (the “Licensee”) operating as Rosedale 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 Ontario Regulation 166/11 under the Act.

CONTRAVENTIONS

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

- Sections 67(1) and (4) of the Act
- Section 74(a)(i) of the Act
- Section 75 (1)2 of the Act
- Section 118 of the Act

BRIEF SUMMARY OF FACTS

The RHRA conducted two inspections of the Home on February 22, 2022; and May 6, 2022, resulting in the findings of non-compliance on which this Order is based.

Areas of identified noncompliance include failure to investigate and report three incidents of resident-to-resident abuse to the RHRA and for knowingly providing false or misleading information to an RHRA inspector.

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:

- i. The severity of adverse effect/potential adverse effect is moderate in regard to the failure to report and investigate the incidents of resident-resident abuse. The Home's failure to appropriately respond to incidents of resident-to-resident abuse reduces the ability of the Home to effectively mitigate and prevent future incidents.
- ii. The severity of adverse/potential adverse effect is moderate in regard to the Home providing false information to the inspector. The Home provided false information to mislead the inspector regarding the overnight coverage at the Home which is a safety issue. The RHRA relies on accurate self-reporting by Licensees and staff. The provision of false information undermines the ability of the RHRA to ensure compliance with the Act and Regulation. By providing false information to the RHRA about the level of staffing at the Home, the Licensee attempted to prevent the RHRA from accurately assessing the standard of care provided to residents of the Home. Appropriate care is a protection that residents are entitled to under the Act which the RHRA regulates. The Licensee's behaviour had the potential for significant adverse effects on the protection of residents at the Home by denying them the RHRA's full protection.

b. Mitigation of Contravention:

- i. The Home provided a short and vague response regarding their failure to report incidents of abuse and protect residents from incidents of abuse. While the Licensee did arrange for two residents to go to a different facility where they could be better supervised, the Licensee does not appear to have done anything in regard to a third resident.
- ii. The Home did not provide a response in regard to providing false information to the inspector.

c. Previous Contraventions:

- i. The Home did not have previous contraventions in regard to failing to report abuse but did have a contravention in 2019 in regard to neglect, where residents were left without a caregiver for one to three hours.
- ii. The Home previously was found to be non-compliant with S.118 in 2019, when an administrator employed by the Licensee sent falsified notes to an RHRA inspector. That the Licensee's staff have repeatedly provided false information to the RHRA is a significant factor increasing quantum of the penalty.

d. Economic Benefit:

- i. The Licensee has not derived an economic benefit from the contraventions, and this did not factor into the quantum.

Issued on March 2, 2023.