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## **ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME**

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

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Schlegel Villages, Inc.  
o/a The Village of Taunton Mills  
3800 Brock Street N.  
Whitby ON L1R 3A5

### **ADMINISTRATIVE PENALTY ORDER NO. 2023-T0132-93-01 – THE VILLAGE OF TAUNTON MILLS**

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Schlegel Villages, Inc. (the “Licensee”) operating as The Village of Taunton Mills (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**

Pursuant to an inspection conducted on July 6, 2022, the Deputy Registrar has reasonable grounds to believe that the Licensee contravened the following sections of the Act and Regulation:

- 27(5)(0.a) of the Regulation for failing to follow the guidance given to retirement homes by the Chief Medical Officer of Health
- 67(2) of the Act for failing to ensure that staff of the retirement home did not neglect a resident

### **BRIEF SUMMARY OF FACTS**

A resident of the Home had not been temperature screened daily as required by the guidance given to retirement homes by the Chief Medical Officer of Health, nor did the Home follow its meal census policy by checking on residents who were absent for scheduled meals. During the time that such wellness checks were not conducted, a resident of the Home suffered a fall and remained on the ground unbeknownst to staff for several days, resulting in harm to the resident.

## ADMINISTRATIVE PENALTY FACTORS

1. The Deputy Registrar considered the factors set out at s. 60.1(1) of the Regulation in determining the amount of the Administrative Penalty.
  - a) **Severity of Adverse Effect / Potential Adverse Effect: Major** – The failure to check on the resident repeatedly, over several days, through a failure to screen the resident per COVID-19 requirements had a severe effect on the resident. Had the resident been found earlier, the effects of the fall may have been different. The Deputy Registrar is also cognizant of the effect of the incident on the dignity of the resident.
  - b) **Mitigation of Contravention:** The Licensee implemented corrective action. A new screening procedure to ensure that a daily temperature check was completed was instituted, which is to be followed by a phone call and followed up by a physical check if there is no resident response. As well, dining room attendance is to be taken at every meal and staff are to follow up with the resident if there is no attendance. This factor serves to lower the overall quantum of the penalty.
  - c) **Previous Contraventions:** The Licensee has had a history of noncompliance with plan of care findings; however, the Licensee has not had previous abuse or neglect findings and this factor is largely neutral in determining the quantum of the penalty.
  - d) **Economic Benefit:** While the Licensee's staff did not take the time to ensure that the resident was not being neglected and that the resident's temperature checks were being completed, they were presumably able to do other tasks that might otherwise require additional resources in the Home. If such shortcuts are not disincentivized, there is an economic incentive for the Licensee and Licensee's staff to take them. That said, any economic benefit to the Licensee in this case would have been minimal and so this factor is largely neutral.
  - e) **Purpose:** While the Deputy Registrar recognizes that the Licensee has made efforts to ensure that this kind of incident does not happen in the future, in the Deputy Registrar's view, a monetary penalty will emphasize to the Licensee the need to proactively take the required steps to ensure that the Home is compliant in the future. The monetary penalty is intended to incentivize the Licensee to operate the Home in a manner in which residents can live in security, safety, and comfort and to disincentivize any benefit that may come as a result of failing to ensure that resident care is adequately provided.

**Issued on April 28, 2023.**