
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

HCN-Revera Lessee (Glynnwood) LP
o/a Glynnwood
7700 Bayview Avenue
Thornhill, ON L3T 5W1

ADMINISTRATIVE PENALTY ORDER NO. 2023-T0269-93-01 - Glynnwood

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that HCN-Revera Lessee (Glynnwood) LP (the “Licensee”) operating as Glynnwood (the “Home”) has contravened sections of the *Retirement Homes Act, 2010* (the “Act”) and Ontario Regulation 166/11 under the Act (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 Ontario Regulation 166/11 under the Act.

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 in relation to the Licensee’s failure to protect residents of the Home from neglect;
- Section 19 of the Regulation in relation to the Licensee’s failure to ensure its water system was maintained in good repair.

BRIEF SUMMARY OF FACTS

The Licensee did not respond appropriately to notice that its chemical distributor, which is connected to the Home’s plumbing system, was not functioning, that new chemical treatment equipment was needed, and that biofouling was likely to occur without proper treatment. The Licensee did not maintain its water system in good repair, which resulted in *Legionella* bacteria being detected in the Home. The Licensee’s non-compliance created a serious risk of adverse health effects to residents in the Home.

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:

1. Severity of Adverse Effect / Potential Adverse Effect:

The failure to conduct necessary maintenance to the chemical distributor resulted in biofouling and the development of Legionella bacteria in the Home's water system. The Licensee's contravention had the potential for major adverse health effects to residents of the Home.

2. Mitigation of Contravention:

The Licensee took corrective steps, including replacing the non-functioning equipment. The Licensee waited until the consequences of its inaction materialized before undertaking to mitigate further adverse effects.

3. Previous Contraventions:

The Licensee has not previously been cited for a failure to maintain the Home in good repair.

4. Economic Benefit:

There is no direct economic benefit to the Licensee based on its non-compliance. However, there is an indirect economic benefit associated with not undertaking costly but necessary maintenance.

5. Purpose of Administrative Penalty:

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

Issued on August 14, 2023.