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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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Romko Residences LP  
o/a Brookside Court/Hilltop Place  
980-1000 Elgin Mills Road  
Richmond Hill ON L4S 1M4

### ADMINISTRATIVE PENALTY ORDER 2023-T0595-93-01

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Romko Residences LP (the “Licensee”) operating as Brookside Court/Hilltop Place (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:

- Section 23(1)(b) of the Regulation by failing to implement behaviour management strategies for a resident whose behaviour posed a risk to other residents.
- Sections 67(1), 67(4) and 75(1)(2)(3) of the Act in relation to the Licensee’s failure to protect a resident from abuse and failure to report incidents of suspected abuse to the Registrar and to the police.

### BRIEF SUMMARY OF FACTS

The Licensee did not report incidents of resident-to-resident abuse to the RHRA and Police in accordance with the Home’s zero-tolerance of abuse and neglect policy. The Licensee did not implement behaviour management strategies to manage a resident’s aggressive behaviours, thereby failing to protect two residents from abuse.

## **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:**

It does not appear that there were lasting adverse physical effects on the impacted residents. A resident reported remaining fearful of the aggressor resident. The Deputy Registrar places this matter in the minor range of adverse effect. Although the failure to report the abuse to the Registrar and/or police would not have prevented the abuse, it is an indication that the Home took these incidents less seriously than required.

**b) Mitigation of Contravention:**

The Licensee reported the subject incident to the police after the RHRA's January 2023 inspection. The Deputy Registrar took note that the Licensee reported a subsequent incident in which a resident shook another resident, demonstrating that the Licensee has since reported an incident appropriately. This factor weighs in favour of a lower quantum of penalty.

The Licensee took steps to have the resident's behaviours assessed by an external agency providing behaviour support services after one incident and included strategies with respect to wandering behaviours on his Plan of Care. However, there were no written strategies to attempt to curb his aggressive behaviours other than keeping residents apart. The Home intermittently monitored the aggressor resident after each incident. The fact that the Licensee took some measures to manage the resident's behaviour is a mitigating factor for the quantum of penalty.

**c) Previous Contraventions:**

The Licensee has not previously been cited for noncompliance with failure to report. It was, however, previously cited in October of 2022 for not implementing behaviour management strategies for another resident with responsive behaviours. The repeated non-compliance weighs slightly in favour of a greater penalty amount.

**d) Economic Benefit:**

The Licensee did not derive an economic benefit from the contravention.

**e) Purpose of Administrative Penalty:**

The purpose of the Administrative Penalty is to encourage compliance with the Act and Regulation.

**Issued on October 12, 2023.**