
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

1122121 Ontario Inc.
o/a Shorthills Villa Retirement Community
1532 Pelham Street N.
Fonthill, ON L0S 1E3

ADMINISTRATIVE PENALTY ORDER 2023-S0011-93-01

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that 1122121 Ontario Inc. (the “Licensee”) operating as Shorthills Villa 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:

- Sections 23(1)(a), (b), (c), & (d), & (2) of the Regulation in relation to the Licensee’s failure to develop and implement written behaviour management strategies, and failure to ensure that all staff who provide care were advised at the beginning of every shift of each resident whose behaviours require monitoring;
- Sections 47(5) & (6) of the Regulation in relation to the Licensee’s failure to ensure that an interdisciplinary care conference was held as part of the development of a resident’s plan of care and that the resident and/or the resident’s substitute decision-maker has an opportunity to participate in the interdisciplinary care conference;
- Section 55(2)(b) of the Regulation & sections 62 (4)(b) para. 3., & (12)(b) of the Act in relation to the Licensee’s failure to ensure resident plans of care provided clear directions to staff who provide direct care to the resident, reassess the resident at least every six months and at any other time if the resident’s care needs change or the care services in the plan are no longer necessary;

- Sections 67(1) & (4) of the Act in relation to the Licensee's failure to protect against abuse and neglect and failure to follow the Home's Abuse and Neglect Policy; and
- Section 75(1) of the Act in relation to the Licensee's failure to report multiple incidents of resident-to-resident abuse which resulted in harm or a risk of harm, to the Registrar.

BRIEF SUMMARY OF FACTS

Several residents of the Home exhibited a pattern of harmful behaviours towards one another over the course of several months. Despite this, the Licensee failed to develop and implement behaviour management strategies, techniques, and interventions for each of the residents and failed to report all incidents which resulted in physical and emotional harm to the Registrar as required over the course of two RHRA inspections.

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:

- Severity of Adverse Effect / Potential Adverse Effect:** Although none of the incidents amounted to severe or lasting harm, moderate physical and emotional harm occurred to three residents over the course of at least three months. The potential adverse effect of a pattern of failure to prevent resident-resident abuse is at least moderate.
- Mitigation of Contravention:** The Licensee did not respond to either RHRA inspection with corrective action. However, during both inspections the Licensee and staff of the Home indicated that some corrective actions were taken including attempting to monitor the residents, encouraging the residents to attend different dining room seatings and separating the resident's suites in the Home. These mitigating factors weigh in favour of a lower monetary penalty.
- Previous Contraventions:** The Licensee has demonstrated a pattern of repeat similar non-compliance with respect to failure to protect against abuse and neglect, developing and implementing behaviour management strategies, and failure to report certain matters to the Registrar. The Licensee was previously issued an Enforcement Warning Letter on December 29, 2016, regarding its failure to report certain matters to the Registrar under s. 75(1) of the Act and a Compliance Order on May 26, 2021, due to repeat contraventions with sections 23(1) and (2) of the Regulation, involving different residents. Despite this, at both the August 22, 2023, and September 11, 2023 RHRA inspections, the inspector found that the Licensee failed to report at least three incidents of resident to resident abuse to the Registrar which resulted in harm and failed to develop and implement behaviour management strategies for a number of residents who exhibited aggressive and abusive behaviours towards one another over the course of at least three months.

The Licensee was cited with failing to protect residents against abuse at each of these inspections. These repeat patterns of non-compliance weigh in favour of increasing the administrative penalty quantum.

- d) **Economic Benefit:** The Licensee did not derive an economic benefit from its noncompliance with the Act.
- e) **Purpose of Administrative Penalty:** Due to the pattern of non-compliance, the Deputy Registrar believes that a monetary penalty is required to encourage compliance with the Act and Regulations going forward.

Issued on November 16, 2023.