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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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Pushpa Ashanagari  
o/a New Elmwood/Sunray Group Home  
4609 Rosebush Road  
Mississauga ON L5M 5H2

### **ADMINISTRATIVE PENALTY ORDER NO. 2023-T0443-93-01 – NEW ELMWOOD /SUNRAY GROUP HOME**

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Pushpa Ashanagari (the “Operator”) is operating New Elmwood/Sunray Group Home (the “Home”) as an unlicensed retirement home and 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 Operator 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 Operator contravened the following sections of the Act.:

- Section 33 of the Act, for operating a retirement home without a licence.
- Section 4 para 4 and section 89 of the Act, for breaching previous Orders to cease operating an unlicensed retirement home issued by the Registrar or Deputy Registrar of the RHRA.

### **BRIEF SUMMARY OF FACTS**

1. The RHRA inspectors conducted an inspection of the Home on September 29, 2023, pursuant to section 77(2) of the Act. Based on their findings during the inspection, the inspectors determined that the Home was operating as a retirement home as it is defined in the Act. The inspectors found that:
  - a. The Home makes at least two care services available to its seven residents, including the provision of meals and administration of a drug or another substance.

- b. The Home is occupied primarily by residents 65 years of age or older. At the time of the inspection, seven residents lived in the Home, four of whom were 65 years of age or older.

## **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:

2. **Potential Adverse Effect to Residents:** Operating a retirement home without a licence, and therefore avoiding regulatory oversight and depriving residents of protections and safeguards under the Act, puts residents at risk of harm. This has the potential to have a major adverse effect on residents.
3. **Previous Contravention:** The Operator has previously been found to be operating an unlicensed retirement home on three occasions and has previously been issued an administrative penalty and two Orders to Cease to Operate as a retirement home. The Operator's repeat non-compliance is an aggravating factor.
4. **Economic Benefit:** The Operator derived an economic benefit from operating a retirement home without a licence through the non-payment of licence fees which would otherwise be payable. The operator has also benefitted from not installing automatic fire sprinklers in each suite.
5. **Mitigation of Adverse Effects:** The Operator did not provide any indication that she was prepared to mitigate the adverse effects of operating an unlicensed home and in fact took the position that she was not operating an unlicensed home and that the inspector had no right to review resident records.

**Issued on November 20, 2023.**