
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

Pathways Inc.
o/a Pathways Retirement Residence
375 Trunk Road
Sault Ste. Marie, ON P6A 3T5

ADMINISTRATIVE PENALTY ORDER NO. 2023-N0148-93-01 – PATHWAYS RETIREMENT RESIDENCE

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Pathways Inc. (the “Licensee”) operating as Pathways Retirement Residence (the “Home”) 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 Licensee to comply with the requirements under the Act and Ontario Regulation 166/11 under the Act (the “Regulation”)

CONTRAVENTIONS

The Deputy Registrar has reasonable grounds to believe that the Licensee contravened the following sections of the Act and Regulation:

- **s. 24(5)(a) Regulation** – The Licensee had not tested its emergency plan for loss of essential services on an annual basis.
- **s. 14(3)(b) Regulation** – The Licensee had not trained staff members in the care service of assistance with ambulation.
- **s.67(2) Act**- the failure to test the emergency plan and train staff members resulted in neglect of the resident.

BRIEF SUMMARY OF FACTS

The RHRA conducted an inspection of the Home on July 18, 2023, after receiving a report of an incident at the Home, resulting in the findings of non-compliance on which this Order is based.

The Home experienced a power outage on June 25, 2023, resulting in non-operational elevators. During the power outage two staff who were not trained in assistance with ambulation, assisted a resident down a dimly lit staircase. The resident fell while trying to navigate the stairwell resulting in significant injuries. The Licensee had not tested its emergency plan with respect to loss of

essential services as required by the Regulation. These failures to train staff and test the emergency plan constituted a pattern of inaction which jeopardized the safety of the resident.

ADMINISTRATIVE PENALTY FACTORS

1. The 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: The contraventions had a major effect on the resident.** The decision to instruct untrained staff to assist a resident down a dimly lit staircase had a severe effect on the resident. On that basis, the administrative penalty is in the major range pursuant to the Regulation. The Licensee's lack of testing of the emergency plan may have also contributed to this incident. Had staff been involved in a scenario during which a loss of essential services had been tested, the risks involved in taking residents down the stairs with insufficient emergency lighting, may have been apparent.
 - b) **Mitigation of Contravention:** The Licensee has taken mitigative steps since this incident with respect to the loss of essential services, as evidenced by the findings on a routine inspection conducted October 26, 2023. The Licensee completed a drill to test its emergency plan for loss of essential services in August 2023 and documented another real-life incident in September 2023. It revised its policy regarding loss of essential services in August 2023 to include that only trained staff may assist residents with ambulation and to designate lead responsibilities in the case of an elevator failure or power outage. It installed new emergency lighting which was inspected and approved by a Fire and Safety company in September 2023. These steps are a mitigating factor in the determination of quantum of penalty.
 - c) **Previous Contraventions:** The Licensee has been repeatedly non-compliant with respect to the testing of its emergency plans and training of staff at the inspection of December 7, 2022. Despite being urged to complete the testing by RHRA Compliance Support staff in the Spring of 2023, the Licensee failed to do so. During an inspection of December 7, 2021, it was found to have failed to test its emergency plan with respect to missing residents and medical emergencies; during an inspection of January 21, 2020, it had not tested its emergency plan with respect to violent outbursts; during an inspection of January 15, 2019, it had not tested its emergency plan with respect to missing residents and violent outbursts. The Licensee was also noncompliant on its previous two routine inspections with respect to not having all staff trained as required by section 65(2) of the Act and annual retraining as required by section 14 of the Regulation. These repeated contraventions are an aggravating factor in the determination of quantum of penalty.
 - d) **Economic Benefit:** The Licensee did not derive an economic benefit from its noncompliance with the Act.

Issued on November 24, 2023.