
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

Oxford SC Walford Sudbury LP
o/a The Walford Sudbury
99 Walford Road
Sudbury, ON P3E 6K3

ADMINISTRATIVE PENALTY ORDER 2023-N0498-93-01 THE WALFORD SADBURY

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Oxford SC Walford Sudbury LP (the “Licensee”) operating as The Walford Sudbury (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 67(1) of the Act – failing to protect a resident from abuse by another resident
- Section 74(a)(i) of the Act – failing to immediately investigate incidents of abuse of a resident of the home by anyone
- Section 75(1.2) of the Act – failing to report abuse of a resident to the Registrar
- Section 23(1)(a) and 23(1)(b) of the Regulation – for failing to implement behaviour management techniques and strategies

BRIEF SUMMARY OF FACTS

In several incidents, a resident of the Home was physically abusive towards other residents, over the period of at least two months. The Licensee did not report this abuse to the Retirement Homes Regulatory Authority, did not undertake an immediate investigation of the incidents and did not implement behavioural management strategies.

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:

The Licensee's contraventions had a moderate adverse effect on two residents and the potential for more significant adverse effects on residents. Two residents sustained minor injuries from these incidents, but the consequences of a resident assaulting another had the potential to be significantly worse. Had the Licensee responded to the concerns appropriately and implemented the behaviour management strategies it had available to it, the abuse towards residents may have been avoided. Subsequent to this incident, the Licensee was again found non-compliant with its behaviour management strategies at an inspection dated July 5, 2023. This is an aggravating factor which increases the amount of the penalty.

b) Mitigation of Contravention:

The Licensee subsequently took steps to ensure that staff are fully trained on behaviour management and that plans of care are updated to reflect strategies and interventions appropriate for each resident. However, as noted above, subsequent to this incident, the Licensee was again found non-compliant with its behaviour management strategies. This is a neutral factor in the assessment of the amount of the penalty.

c) Previous Contraventions:

The Licensee has previously been cited for non-compliance for failing to appropriately implement behaviour management. The repeated non-compliance weighs 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 November 27, 2023.