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## MANAGEMENT ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

Pursuant to the *Retirement Homes Act, 2010* S.O. 2010, Chapter 11, section 91.

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1902347 Ontario Ltd  
o/a Birdsilver Gardens Senior Support Centre  
16 Birdsilver Gardens  
Scarborough, ON M1C 4M5

### MANAGEMENT ORDER NO. 2024-T0389-91-01 – BIRDSILVER GARDENS SENIOR SUPPORT CENTRE

Under section 91 of the *Retirement Homes Act, 2010* (the "Act"), the Deputy Registrar of the Retirement Homes Regulatory Authority ("Deputy Registrar" and the "RHRA", respectively) may serve an order on a licensee ordering it to employ or retain one or more persons acceptable to the RHRA to manage or assist in managing all or some of the operations of the home ("Management Order") where the Deputy Registrar believes on reasonable grounds that:

1. The licensee has contravened a requirement under the Act; and,
2. The licensee cannot or will not properly manage the operations of the home or cannot do so without assistance.

This Order requires 1902347 Ontario Ltd (the "Licensee") to employ or retain a Manager (the "Manager"), acceptable to the RHRA and at the Licensee's expense, with the knowledge, skills and judgment necessary to manage some of the operations at Birdsilver Gardens Senior Support Centre (the "Home").

Between April 2022 and March 2023, RHRA inspectors identified areas of repeated non-compliance by the Licensee. On October 13, 2023, the Deputy Registrar issued the Licensee a Compliance Order, which the Licensee only partially complied with. The Licensee's history of repeated non-compliance and failure to comply with all the requirements in the October 2023 Compliance Order gives the Deputy Registrar reasonable grounds to believe that the Licensee cannot or will not properly manage the operations of the Home without assistance.

This Order shall remain in place until such time as the Deputy Registrar deems it no longer necessary.

## CONTRAVENTIONS

The Deputy Registrar has reasonable grounds to believe that the Licensee has contravened numerous sections of the *Retirement Homes Act, 2010* and *Ontario Regulation 166/11* made under the Act (the “Regulation”), including:

- Section 4 (paragraph 4) of the Act by failing to comply with the requirements set out in the Deputy Registrar’s Compliance Order issued to the Licensee on October 13, 2023.
- Sections 44(1), and 47(1) & (2) of the Regulation by failing to ensure a full assessment of the resident’s care needs and preferences is conducted within the prescribed timeframe, an initial assessment of the resident’s immediate care needs is conducted and failing to develop an initial plan of care for the resident based on the initial assessment of the resident’s immediate care needs.
- Sections 62(1), (4)(a), (b)(i), (ii), (iii), (c)(i), (5), (9)1., (12)(b) of the Act and section 48(1)(a) of the Regulation by failing to ensure resident plans of care included goals, details, and clear direction to staff for all care services provided to the residents, the resident or substitute decision-maker are given the opportunity to participate in the development of the plan of care, and for failing to demonstrate plans of care had been approved by the resident or the resident’s substitute decision-maker, and a member of the College of Physicians and Surgeons of Ontario or the College of Nurses.
- Section 65(2)(a), (b), (c), (d), & (f), (4), (5)3., of the Act and sections 14(1) & (5), 29(c), (e)(i), (ii), & (iii) of the Regulation by failing to ensure that staff receive training on an ongoing basis, and at least annually, and for failing to demonstrate evidence of staff training in medication administration.
- Section 68(1) of the Act by failing to ensure that no licensee of a retirement home shall restrain a resident of the Home in any way, including by the use of a physical device.

## REQUIRED ACTION

1. The Licensee shall employ or retain the Manager, acceptable to the RHRA and at the Licensee’s expense, with the knowledge, skill, and judgment necessary to assist the Licensee in satisfying the remaining Compliance Order requirements issued to the Licensee on October 13, 2023, specifically:
  - Review and update the Home’s Falls Policy following the education session relating to falls reduction and mitigation and the use of restraints on residents, and ensure that all staff of the home, including the Licensee, sign off that they have reviewed and understand the policy;
  - Ensure that all staff have received the requisite training relating to the medication administration; and

- For a period of one year, deliver reports at such regularity as determined by the RHRA Compliance Monitor demonstrating that the licensee has conducted audits of residents initial and full assessment to ensure they are completed appropriately and in accordance with prescribed timelines.
2. The Licensee shall facilitate and assist the Manager in completing the above-listed required actions, including providing the Manager with the resources deemed by the Manager necessary to complete their tasks, and the Licensee shall not interfere with the Manager in any way.
  3. The Licensee shall defer to the Manager on matters relating to the required actions and shall execute the directions issued to it by the Manager.
  4. The Licensee shall immediately and for the duration of this Order:
    - a. Provide access to the Home or any part of the Home to the Manager;
    - b. Provide and/or permit access to all documents and/or things deemed relevant by the Manager, including, but not limited to, plans of care, policies and procedures, training manuals, and budgetary documents;
    - c. Implement all directions in accordance with timelines provided by the Manager;
    - d. Instruct staff to cooperate with the Manager and to follow all directions provided by the Manager; and
    - e. Provide all communications issued to it by the RHRA directly to the Manager.

**Issued on February 21, 2024.**