
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

Chartwell Master Care Corporation
o/a Chartwell Jackson Creek Retirement Residence
481 Reid Street
Peterborough, ON K9H7R9

ADMINISTRATIVE PENALTY ORDER 2024-T0106-93-01 – JACKSON CREEK RETIREMENT RESIDENCE

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Chartwell Master Care Corporation (the “Licensee”) operating as Chartwell Jackson Creek Retirement Residence (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.:

- Section 67(2) of the Act – Failure to ensure a resident was not neglected
- Section 75(1)(2) of the Act – Failure to report an incident of suspected neglect to the Registrar.

BRIEF SUMMARY OF FACTS

The Licensee’s staff failed to appropriately respond and to follow its processes and policies when a resident on a short stay with a medical condition showed indications of medical distress over several days. The Licensee’s staff also failed to contact that resident’s power of attorney or take any other appropriate steps when the resident, who suffered from cognitive impairment, left the Home of his own volition, prior to the agreed upon time frame. This resulted in harm to the resident.

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 Home's failure to adequately respond to Resident A's condition had a significant adverse effect on the resident, resulting in hospitalization. By failing to confirm whether the resident's power of attorney had authorized the resident to leave the Home, and allowing the resident to leave the Home unaccompanied had a severe effect on the resident's health. The resident was unable to return to his home after this hospitalization. This places the amount of the penalty in the major range pursuant to the Regulation.
- b) **Mitigation of Contravention:** The Licensee did not exhibit an understanding that this was an incident of neglect or suspected neglect and did not investigate the incident as required by its zero-tolerance policy. The Licensee also failed to report the incident of neglect to the Registrar. The Licensee took some corrective action with respect to the findings of noncompliance including retraining its staff on how to document and chart this kind of medical condition and reviewing its zero-tolerance policy on investigating and reporting abuse and neglect. This weighs in favour of lowering the amount of the penalty.
- c) **Previous Contraventions:** The Licensee has had a compliant history. The Licensee has had only one previous finding of noncompliance related to staff training in one area. This weighs in favour of a lower penalty.
- d) **Economic Benefit:** The Licensee did not derive any economic benefit from its noncompliance with the Act.

Issued on February 29, 2024.