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# ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

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The Royale GP Corporation  
o/a Aspira Kawartha Lakes Retirement Living  
60 West Street  
Bobcaygeon, ON K0M 1A0

## ADMINISTRATIVE PENALTY ORDER NO. 2024-N0463-93-01 – ASPIRA KAWARTHA LAKES RETIREMENT LIVING

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that The Royale GP Corporation (the “Licensee”) operating as Aspira Kawartha Lakes Retirement Living (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 23(1) of the Regulation - failing to implement behaviour management techniques and strategies.
- Section 67(4) of the Act - failing to ensure compliance with the home’s zero-tolerance of abuse and neglect policy.
- Section 74(a)(ii) 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 certain matters to the Registrar.

### BRIEF SUMMARY OF FACTS

Between April 27, 2021, and July 23, 2023, there were several incidents of inappropriate behaviors involving Resident A. This included inappropriate behaviour towards other residents, sexual remarks to staff and residents, taking pictures of staff and residents without their consent, entering the rooms of other residents without consent, attempting to

inappropriately touch residents without consent, making threats towards staff, and trying to take a resident with cognition concerns out of the Home.

The Licensee failed to immediately investigate the allegations or appropriately monitor the situation. Additionally, the Licensee did not report this suspected abuse of other residents to the RHRA until June 2023.

## **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 severity of the adverse effect on staff and residents in this case is not known. That said, the inspector collected evidence showing that Resident A's sexually inappropriate behaviour and comments upset other residents. Resident A's inappropriate comments had a potentially significant emotional and psychological impact. The potential adverse effect is at least in the moderate range. Additionally, had the Licensee responded to the concerns appropriately and implemented the behaviour management strategies it had available to it (re-assess Resident A, conduct hourly checks on the resident, contact community support or the resident's physician/family), the continued behaviour may have been avoided.

### **b) Mitigation of Contravention:**

The Licensee did not complete an investigation or inform the RHRA when they had reasonable grounds to suspect Resident A was exhibiting sexually abusive behavior in the Home in April 2021, nor did it report any behaviour up until June 2023. However, since the inspection, the Licensee has taken corrective steps to ensure that staff are fully trained on relevant policies and procedures and that staff take steps to ensure that all residents who demonstrate responsive behaviours are assessed appropriately. Further, since this inspection, the Licensee has been reporting concerns to the RHRA. This factor serves to lower the overall quantum of the penalty.

### **c) Previous Contraventions:**

The Licensee does not have a history of similar contraventions. This is a neutral factor in the assessment of the amount of the quantum of the penalty.

### **d) Economic Benefit:**

The Licensee did not receive any direct economic benefit from this non-compliance, and so this is a neutral factor.

**e) Purpose of Administrative Penalty:**

To encourage the Licensee to ensure compliance in the future. The penalty is not intended to be punitive.

**Issued on March 4, 2024**