

---

## **ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME**

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

---

3673928 Ontario Inc  
o/a Manoir McGill 342.

### **ADMINISTRATIVE PENALTY ORDER 2024-N0246-93-01 – MANOIR MCGILL 342**

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that 3673928 Ontario Inc.. (the “Licensee”) operating as Manoir McGill 342 (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.

### **CONTRAVENTIONS**

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

- 67(1) Act– for failing to protect multiple residents from verbal and emotional abuse
- 75(1)2 Act – for failing to report instances of abuse to the Registrar

### **BRIEF SUMMARY OF FACTS**

Several residents of the Home were verbally abused by a staff member in separate incidents over a period spanning almost a year.. The Licensee did not report this abuse to the Retirement Homes Regulatory Authority and did not take sufficient corrective or disciplinary action during this time to prevent the abuse from recurring.

## ADMINISTRATIVE PENALTY FACTORS

The Deputy Registrar considered the factors set out at s. 60.1(1) of the Regulation in determining the amount of the Administrative Penalty.

- **Severity of Adverse Effect / Potential Adverse Effect:** Multiple residents of the Home were subject to degrading comments by a staff member at the Home which harmed their sense of well-being and dignity. Some residents were additionally subject to threatening or insulting remarks constituting emotional abuse. This abusive behaviour had a potentially major adverse effect on the residents.
- **Mitigation of Contravention:** The Licensee did not exhibit an understanding that these incidents amounted to verbal or emotional abuse and did not report them to the Registrar as required. Prior to the inspection, the staff member was provided with verbal and written warnings, very few of which were documented. These actions were ineffective as the abuse continued to occur. It was not until after the RHRA inspection that the Licensee took action through employee discipline and retraining. The Licensee's failure to mitigate the abusive behaviour over a significant period of time weighs in favour of an increase in quantum.
- **Previous Contraventions:** The Licensee has not had a previous finding of failing to protect a resident from abuse, failure to follow its abuse policy or failure to report to the Registrar but has had contravened other sections of the Act and Regulation, including having been previously cited for neglect. This is a neutral factor in determining the quantum of the penalty in this case.
- **Economic Benefit:** The RHRA is not aware of any economic benefit to the Licensee. This is a neutral factor in determining the quantum of administrative penalty

Issued on April 16, 2024.