
ADMINISTRATIVE PENALTY ORDER 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 Tranquility Place Retirement Residence
436 Powerline Road
Brantford, ON N3T 5L8

ADMINISTRATIVE PENALTY ORDER 2024-S0057-93-01

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 Tranquility Place 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.

CONTRAVENTIONS

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

- Section 67(2) of the Act for failure to ensure staff do not neglect residents
- Section 59(2)(a)-(f) of the Regulation regarding failure to follow the complaints’ procedure

BRIEF SUMMARY OF FACTS

A resident of the Home sustained a fall and was unable to call for assistance due to a non-functioning pendant, which was known to the Licensee. Staff did not conduct safety checks in accordance with the Licensee’s procedure when a resident’s pendant or call bell is not functioning. The Licensee incorrectly documented that the resident attended a meal, which she had not. The Licensee did not respond to the family’s complaint in accordance with the complaints procedure.

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:** A resident of the Home sustained a fall and was unable to call for assistance because their call bell/pendant was not functioning, which was known to the Licensee. The Licensee's staff did not conduct safety checks in accordance with the Licensee's procedure when a resident's call bell is not functioning. Further, staff inaccurately documented the Home's mealtime attendance sheet, which would have resulted in the resident not being checked. This resulted in a moderate adverse effect. It caused indignity to the resident, who spent unnecessary, painful hours on the floor before assistance arrived.
- b) **Mitigation of Contravention:** The Licensee took corrective action in response to the citations from the October 11, 2023 inspection, which included review of policies and training of staff. However, the Licensee did not clearly set out in its policy what action is to be taken with respect to nonfunctioning call bells/pendants. It also did not respond to citations on two previous inspections for noncompliance with the complaints' procedure and did not properly respond to a complaint pursuant to its complaints' procedure on the subject inspection. This is a neutral factor in quantum of penalty.
- c) **Previous Contraventions:** The Licensee's does not have an enforcement history with the RHRA. Prior to the subject inspection, the Home had not been cited for abuse or neglect. However, in the past nine months it has been cited for neglect on two occasions and has been noncompliant with its complaints' procedures on three inspections.
- d) **Economic Benefit:** The RHRA is not aware of any economic benefit to the Licensee. This is a neutral factor in the consideration of the penalty.

Issued on April 30, 2023.