
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

Lifetimes Limited Partnership
o/a Peterborough Retirement Residence
1039 Water Street
Peterborough, ON K9H 3P5

ADMINISTRATIVE PENALTY ORDER 2024-T0393-93-01 – PETERBOROUGH RETIREMENT RESIDENCE

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Lifetimes Limited Partnership (the “Licensee”) operating as Peterborough 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 and Regulation:

- Section 23(1)(a-c) of the Regulation – failing to develop and implement a written behaviour management strategy.
- Section 62(10) of the Act – failing to ensure that residents receive the care services set out in their plan of care.
- Section 62(12)(b) of the Act – failing to reassess and revise plans of care when care needs have changed.
- Section 67(2) of the Act – failing to ensure that the Licensee and staff of the Home do not neglect residents.
- Section 67(4) of the Act – failing to ensure compliance with the Home’s zero tolerance of abuse and neglect policy.

BRIEF SUMMARY OF FACTS

A resident who had a history of wandering and exit-seeking behaviours, exited from another resident’s balcony on the second floor and was found injured on the ground.

The Licensee failed to lock or limit resident windows in a timely manner despite its own acknowledgement of the risk that the resident may attempt to exit through another resident's window.

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:

Resident A sustained serious injuries for which she was hospitalized and that may have contributed to her passing away in hospital. Despite the Licensee identifying concerns about Resident A's ability to access other residents' windows on the second floor, the Licensee did not take timely measures to prevent a potentially serious risk. The adverse effect on the resident falls into the "major" range.

b. Mitigation of Contravention:

Following the incident, the Licensee took corrective actions, such as installing window limiters throughout the facility, installing security cameras, and implementing new monitoring procedures. The Home also scheduled retraining sessions for staff on safety and monitoring policies, as well as behaviour management policies and procedures. Additionally, staff will undergo third-party behavioural training as part of their current compliance order. The mitigation efforts the Licensee has taken and will take, some of which are subsumed under the Compliance Order already issued, serve to lower the amount of the administrative penalty.

c. Previous Contraventions:

The Licensee has a history of similar contraventions relating to behaviour management, plans of care, and neglect. The Licensee was previously issued a Compliance Order in March 2024 for those contraventions. The previous contraventions of the Licensee weigh in favor of a higher penalty amount.

d. Economic Benefit:

The Licensee did not receive any direct economic benefit from this non-compliance, and so this is a neutral factor in the assessment of penalty amount.

e. Purpose of Administrative Penalty:

The administrative penalty is intended to encourage the Licensee to maintain compliance with the Act and Regulations going forward and to emphasize the importance of preventing future instances of non-compliance.

Issued on June 7, 2024.