
AMENDED ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

LP Hamilton Holdings Inc.
o/a Valley Town Residence
33 Main Street
Dundas, ON L9H 2P7

AMENDED ADMINISTRATIVE PENALTY ORDER 2024-S0515-93-01 – VALLEY TOWN RESIDENCE

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that LP Hamilton Holdings Inc. (the “Licensee”) operating as Valley Town Residence (the “Home”) has contravened sections of the *Retirement Homes Act, 2010* (the “Act”).

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 in relation to the Licensee’s failure to ensure that staff of the Home do not neglect the residents.
- Section 67(4) of the Act in relation to the Licensee’s failure to ensure there is a written policy to promote zero tolerance of abuse and neglect of residents and that the policy is complied with.
- Section 75(1) of the Act in relation to the Licensee’s failure to report incidents to the Registrar as required.

BRIEF SUMMARY OF FACTS

A resident of the Home, who was at a high risk of falling, fell and sustained an injury resulting in hospitalization. The Home directed staff to conduct heightened monitoring of the resident and integrated the direction into the resident’s plan of care. However, the Home did not implement the heightened monitoring appropriately. The resident sustained another fall, resulting in injury and hospitalization. The Licensee did not report the incident to the RHRA.

The Licensee has a history of not implementing heightened monitoring or supervision in accordance with resident plans of care. The Deputy Registrar has reasonable grounds to believe that the Licensee failed to provide the resident with the care and assistance required for his health, safety and well-being.

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 failure to implement appropriate heightened monitoring for vulnerable residents exposed those residents of the Home to increased risk of serious personal harm, and the failure to make mandatory reports to the RHRA impacted the RHRA's ability to ensure compliance and accountability. This falls into the major category.
- b) **Mitigation of Contravention:** The Licensee has taken some steps to correct its non-compliance, including engaging in compliance monitoring with respect to heightened monitoring. However, the repeat non-compliance indicates those steps have not been effective.
- c) **Previous Contraventions:** The Licensee has a history of noncompliance, including with respect to failing to conduct heightened monitoring of residents who required it.
- d) **Economic Benefit:** The Licensee did not derive an economic benefit from the non-compliance.
- e) **Purpose of Administrative Penalty:** The Deputy Registrar has determined that the quantum of the payment is appropriate given the factors above and in light of the purpose of the administrative penalty to incentivize and encourage compliance now and in the future, and that it is not intended to be punitive.

Issued on July 2, 2024.