
COMPLIANCE ORDER TO BE MADE AVAILABLE IN HOME

Pursuant to the *Retirement Homes Act, 2010* S.O. 2010, Chapter 11, section 90.

Hygate Management Services Corporation
o/a The Hygate on Lexington
215 Lexington Road
Waterloo, ON N2K 2E1

COMPLIANCE ORDER NO. 2024-T0608-90-01

Under section 90 of the *Retirement Homes Act, 2010* (the “Act”), if the Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) believes on reasonable grounds that a licensee has contravened a requirement under the Act the Deputy Registrar may serve an order on a licensee ordering it to refrain from doing something, or to do something, for the purpose of ending the contravention and achieving compliance, ensuring that the contravention is not repeated, and that compliance is maintained. The Deputy Registrar issues this Compliance Order (the “Order”) to ensure Hygate Management Services Corporation (the “Licensee”) operating as The Hygate on Lexington (the “Home”) comes into compliance and maintains compliance with the Act and Ontario Regulation 166/11 under the Act (the “Regulation”).

The Contraventions and Order listed below are followed by the reasons for this Order, and information on the appeal process.

CONTRAVENTION

The Deputy Registrar has reasonable grounds to believe that the Licensee is not in compliance with the following sections of the Act and Regulation:

- Section 14(1)(2) & (5) of the Regulation – failure to ensure all staff at the Home receive the necessary training on an ongoing and at least annual basis.
- Section 23(1)(a-c) of the Regulation – failure to develop and implement a written behaviour management strategy.
- Section 27(9) of the Regulation – failure to ensure that all staff at the Home receive training on how to reduce the incidence of infectious disease transmission.
- Section 65(2)(a-d)(f-h) & (4) of the Act - failure to ensure that no staff work in the Home unless they have received the necessary training and failure to ensure all staff at the Home receive training on an ongoing basis.
- Section 67(1) of the Act – failure to protect residents of the Home from abuse by anyone.

BRIEF SUMMARY OF FACTS

On June 4, 2024, an RHRA inspector conducted an inspection at the Home, following a report alleging verbal and emotional abuse by a resident of the Home.

The resident who was the subject of the report had a history of inappropriate behaviour towards other residents between August 2023 and May 2024. Despite documented incidents, the Licensee did not respond to concerns about the resident appropriately, including failing to develop and implement a written behaviour management strategy.

REQUIRED ACTION

Pursuant to section 90 of the Act, the Deputy Registrar orders the Licensee to immediately comply with the following:

1. Within 90 days of the issuance of this Order, conduct an audit of all residents whose behaviours pose a risk to themselves or others and ensure that there is a behaviour management plan in place that contains clear directions to staff and strategies and interventions to address those residents' behaviours.
2. Within 90 days of this Order, ensure that all management and staff of the Home who provide direct care to residents participate in a training session, provided by a third party acceptable to the RHRA, relating to identifying and addressing behaviour that may constitute abuse or that poses a risk of harm to the resident or others in the Home.
3. Within 60 days of the issuance of this Order, ensure that all management and care staff are trained in the required policies and procedures.

All reports and documentation demonstrating compliance with the above-mentioned required actions must be submitted by email to the RHRA's Compliance Monitor at enforcement@rhra.ca.

Issued on September 30, 2024.