
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

Kingsberry Place Ltd.
o/a Kingsberry Place Seniors Residence
1221 Limeridge Road E.
Hamilton, ON L8W 1Y1

ADMINISTRATIVE PENALTY ORDER 2024-S0123-93-01

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Kingsberry Place Ltd. (the “Licensee”) operating as Kingsberry Place Seniors 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 14(1) of the Regulation – failure to ensure all staff at the Home receive training on the Licensee’s complaint procedure.
- 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 59(1) & (2)(c-e) of the Regulation – failure to ensure that every written or verbal complaint made the Licensee or a staff member is dealt with in accordance with the Regulation, and failure to ensure that a written record of the complaint is kept in the Home.
- Section 62(6) of the Act – failure to ensure that the plan of care is based on an assessment of the resident and the needs and preferences of the resident.
- Section 62(12) of the Act – failure to ensure that the resident is reassessed, and the plan of care is reviewed and revised at least every six months and at any other time if necessary.
- Section 65(2)(a-h) of the Act - failure to ensure that no staff work in the Home unless they have received the necessary training.

- Section 67(2) of the Act – failure to ensure that the Licensee and the staff of the Home do not neglect the residents.
- Section 67(4) of the Act – failure to ensure that there is a written policy to promote zero tolerance of abuse and neglect of residents and failure to ensure that the policy is complied with.
- Section 75(1)(paragraph 2) of the Act – failure to report abuse of a resident by anyone or neglect of a resident by the Licensee or the staff of the Home.

BRIEF SUMMARY OF FACTS

On June 14, 2024, an RHRA inspector conducted an inspection at the Home, following a report that a resident had wandered from the Home.

The resident who was the subject of the report had a history of going for long walks and the Home knew there was a risk of him getting lost. However, the Licensee failed to implement appropriate strategies or interventions to keep the resident safe and prevent harm.

Additionally, the Licensee failed to trigger the Home’s missing person procedure when the resident did not return from their walk.

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 Licensee failed to ensure that the resident got their medication, and staff failed to trigger the Home’s Yellow Code, i.e. missing person, procedure when the resident did not return from their walk. The adverse effect on the resident falls into the “major” range.

b) Mitigation of Contravention:

The Licensee taken corrective steps to ensure that staff are fully trained on the Home’s policies and procedures. This is a mitigating factor in the assessment of the amount of the quantum of the penalty.

c) Previous Contraventions:

The Licensee has a history of contraventions related to behaviour management and staff training.

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 September 30, 2024.