
ADMINISTRATIVE PENALTY ORDER SUMMARY 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 Orchards Retirement Residence
3421 Frederick Avenue
Vineland, ON L0R 2C0

ADMINISTRATIVE PENALTY ORDER 2024-S0421-93-01

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 Orchards 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 did not neglect a resident

BRIEF SUMMARY OF FACTS

A resident of the Home reported severe leg pain, which was a significant change in condition that left the resident unable to bear weight or walk. The Home’s staff did not investigate the source of the pain or attempt to manage the pain for four days. The resident was subsequently diagnosed with a leg fracture and hospitalized for a significant period of time. The resident likely suffered unnecessarily due to the delay in addressing her condition.

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 likely suffered unnecessary pain over at least four days due to a lack of appropriate action by staff to manage her pain or determine the source. The adverse effect was significant. On that basis, the administrative penalty is in the major range pursuant to the Regulation.
- b) **Mitigation of Contravention:** The Licensee investigated the incident, including a review of the documentation, interviews with ten staff and a detailed investigation report. It self-reported the incident and took some disciplinary action against certain staff. It also provided education to staff regarding the obligation to protect residents from neglect and reassessment of residents. This is a mitigating factor in the assessment of penalty.
- c) **Previous Contraventions:** The Licensee was cited with failure to ensure a resident was not neglected in April 2022 and was issued a warning letter. This previous contravention weighs in favour of an increased penalty.
- d) **Economic Benefit:** The RHRA is not aware of any economic benefit to the Licensee.

Issued on October 2, 2024.