
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

Schlegel Villages Inc.
o/a The Village of Erin Meadows
2930 Erin Centre Blvd.
Mississauga, ON L5M 7M4

ADMINISTRATIVE PENALTY ORDER 2024-T0550-93-01

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Schlegel Villages Inc. (the “Licensee”) operating as The Village of Erin Meadows (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.

CONTRAVENTIONS

The Deputy Registrar has reasonable grounds to believe that the Licensee contravened the following sections of the Act:

- Section 67(2) of the Act, by failing to follow the Home’s process for communication and documentation at shift change which resulted in the neglect of a resident.
- Section 75(1) para 2, of the Act, by failing to report an incident of suspected or alleged neglect immediately to the Registrar upon discovery.

BRIEF SUMMARY OF FACTS

The RHRA conducted an inspection of the Home on July 15, 2024, resulting in the findings of non-compliance on which this Order is based. Specifically, a staff member brought a resident outside during a hot weather advisory. The resident was unable to move back inside the building. The staff member left the resident outside and failed to follow the Home’s process for communication at the end of their shift, resulting in oncoming staff not being aware that the resident was outside. The resident sustained injuries as a result of exposure but has since recovered. The Licensee only reported the incident approximately 10 days after discovering it. The Deputy Registrar has reasonable grounds to believe that the

Licensee failed to protect a resident of the Home from neglect and also that the Licensee failed to report the incident to the Registrar immediately upon discovery as required.

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 severity of adverse effect was moderate. A resident was left outside by a staff member at a time when a hot weather advisory was in effect, for over two hours unbeknownst to other staff. The resident sustained injuries as a result. While the adverse effect to the resident was moderate in that it did not result in permanent harm, the potential adverse effect was high. The resident was unable to return to the Home on their own and had another individual not brought them back inside the outcome could have been more severe. For these reasons, the contraventions fall into the moderate range.
- b. **Mitigation of Contravention:** The Licensee conducted a thorough investigation into the incident, re-educated staff on sun safety, issued disciplinary action to the staff involved, and assisted in and monitored the resident's recovery. These factors serve to lower the amount of the monetary penalty.
- c. **Previous Contraventions:** The Licensee has contravened numerous requirements of the Act in the past three years relating to resident plans of care and medication administration, including accuracy of medication documentation. The Licensee was also cited with section 67(2) of the Act at an inspection conducted on August 19, 2021. These factors serve to increase the quantum of the monetary penalty as the Licensee has demonstrated a pattern of repeat non-compliance.
- d. **Economic Benefit:** The Licensee did not derive an economic benefit from its non-compliance with the Act.
- e. **Purpose of Administrative Penalty:** The Deputy Registrar is of the view that the quantum of 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 November 11, 2024.