
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

The Royale Development LP
o/a Aspira Traditions of Durham Retirement Living
1255 Bloor Street E.
Oshawa ON L1H 0B3

ADMINISTRATIVE PENALTY ORDER NO. 2023-T0460-93-01

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that The Royale Development LP (the “Licensee”) operating as Aspira Traditions of Durham Retirement Living (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.

The Deputy Registrar has issued a Compliance Order concurrent with this Administrative Penalty Order, which is intended to ensure the Licensee achieves and maintains compliance.

CONTRAVENTION

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 by failing to protect a resident from neglect by staff; and
- Sections 23(1)(a),(b), and (c) of the Regulation, by failing to develop and implement a written behaviour management strategy that includes: techniques to prevent and address resident behaviours that pose a risk to the resident or others in the home; strategies for interventions to prevent and address resident behaviours that pose a risk to the resident or others in the home; strategies for monitoring residents that have demonstrated behaviours that pose a risk to the resident or others in the home.

BRIEF SUMMARY OF FACTS

The RHRA conducted an inspection of the Home on April 4, 2023 after the RHRA received a report from a staff member of the Home advising that a resident had wandered from the Home and was later found deceased.

When the resident exited the Home at approximately 7:30 p.m., they triggered a stairwell alarm which was transmitted to staff. Staff did not respond appropriately to the alarm, and the resident was not discovered until after 6:00 a.m. the following morning.

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:** The harm to the resident was as severe as possible as it resulted in their death. The harm falls into the “major” range.
- (b) **Mitigation of Contravention:** The Licensee took steps to re-educate staff on behaviour management and on developing plans of care. Further, the Licensee conducted an internal investigation that resulted in two staff members being suspended and re-educated on a number of policies and procedures. The Licensee’s mitigation did not include steps to ensure that the alarm system would be attended to consistently, which was the central issue in this case. This factor is neutral in the consideration of the amount of the penalty.
- (c) **Previous Contraventions:** The Licensee’s history with the RHRA has been generally compliant. The Home has not been previously cited with neglect.
- (d) **Economic Benefit:** The Licensee did not receive any economic benefit from this incident.
- (e) **Purpose:** The monetary penalty is intended to ensure that the Licensee puts the appropriate policies and procedures in place and to emphasize the importance of staff adhering to the stairwell alarm policies and procedures.

Issued on July 20, 2023.