RHRA Retirement Homes Regulatory Authority

ORDER CURRENTLY UNDER APPEAL TO THE LICENCE APPEAL TRIBUNAL

ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

Wells Gordon Limited
o/a The Briton House

ADMINISTRATIVE PENALTY ORDER NO. 2022-T0034-93-01 – THE BRITON HOUSE

The Deputy Registrar of the Retirement Homes Regulatory Authority (the "Deputy Registrar" and the "RHRA", respectively) has reasonable grounds to believe that Wells Gordon Limited (the "Licensee") operating as The Briton House (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(4) for failure to follow its zero tolerance of abuse policy;
- Sections 75(1)2 and 75(1)3 by not reporting an incident to the Registrar of the RHRA as required;
- Sections 62(9) & (12) for failure to update a resident's plan of care and obtain approval from a substitute decision maker

Brief Summary of Facts

Following an incident of resident-to-resident abuse, the Licensee failed to report the incident to the Registrar or police, failed to follow its zero tolerance of abuse policy in response to the incident and failed to update one resident's plan of care in a timely manner and seek required approval of that plan of care.

Administrative Penalty Factors

1. The Deputy Registrar considered the factors contained in subsection 60.1(1) of the Regulation in determining the amount of the Administrative Monetary Penalty:

a) **Severity of Adverse Effect / Potential Adverse Effect:** The Deputy Registrar has determined that the contraventions identified have the potential for moderate adverse effects on residents of the Home. Reporting the incident would not have prevented the incident from occurring. However, reporting such incidents is critical to enable a proper investigation by RHRA and police to ensure the Licensee is accountable for any non-compliance and for remedial steps that may be necessary to achieve compliance and prevent similar incidents from occurring. Failure to report such incidents allows a licensee to avoid the scrutiny that comes with an RHRA inspection and/or police investigation and which is more likely to lead to non-compliance being identified and remediated. In addition, a timely reassessment of one of the residents involved may have resulted in additional strategies being implemented to manage the resident's behaviour.

b) **Mitigation of Contravention:** The Licensee has indicated it has taken corrective action in response to this incident. Additionally, in relation to a subsequent incident of a wandering resident, the Licensee took corrective actions which demonstrated a more immediate response by the Licensee to incidents of wandering. Further, a recent inspection did not result in any findings of non-compliance with resident plans of care, indicating that the Licensee has taken steps to mitigate its plan of care issues.

c) **Previous Contraventions:** The Licensee does not have a significant history of similar past contraventions, which is a factor that weighs in favour of lowering the penalty from the top the moderate range.

d) **Economic Benefit:** There is no evidence that the Licensee derived any economic benefit from the contraventions in this case.

e) **Purpose of Administrative Penalty**: Taking the above factors into account, including the potential severity, the Deputy Registrar has determined that a penalty in the middle of the moderate range is appropriate, considering the purpose of the monetary penalty is to encourage compliance now and into the future.

Issued on May 10, 2022