Licence Appeal Tribunal

Tribunal d'appel en matière de permis

Ontario

DATE: 2013-07-31
FILE: 8146/RHA
CASE NAME: 8146 v. Registrar, Retirement Homes Regulatory Authority

---

An Appeal from a Notice of Decision by the Registrar, Retirement Homes Regulatory Authority under the *Retirement Homes Act, 2010*, S.O. 2010, c. 11 - to Refuse a Licence

2321772 Ontario Inc. o/a Bel-Marine Retirement Residence

Applicant

-and-

Registrar, Retirement Homes Regulatory Authority

Respondent

ORDER

ADJUDICATOR: Patricia McQuaid, Vice-Chair

APPEARANCES:

For the Applicant: Jeannie Griggs and Lorie Hawley, Agents

For the Respondent: Evelyn Spence, Counsel

Heard in Toronto: July 25, 2013

ORDER

The Registrar of the Retirement Homes Regulatory Authority (the "Registrar") issued a Notice of Decision on June 4, 2013, to refuse a licence to 2321772 Ontario Inc. o/a Bel-Marine Retirement Residence (the "Applicant"). A pre-hearing was held on July 25, 2013 at the Tribunal's Chambers. In attendance were Jeannie Griggs and Lorie Hawley, as Agents on behalf of the Applicant, and Evelyn Spence, Counsel for the Registrar.

Ms. Spence advised that the parties had come to an agreement regarding the issues outlined in the Notice of Decision. The Registrar is prepared to issue a licence to the Applicant, with terms and conditions attached and requested that these be incorporated into an order from the Tribunal.

The agreement was submitted to the Tribunal for review. Ms. Griggs confirmed that the agreement reflects the terms discussed with Ms. Spence, that she understood that these conditions would attach to the licence and further that the Applicant was capable of complying with the conditions.

THEREFORE, having reviewed the agreement filed and attached hereto as Schedule "A", and having heard submissions from the parties, the Tribunal directs the Registrar to issue the licence to 2321772 Ontario Inc. o/a Bel-Marine Retirement Residence, subject to the conditions as contained in Schedule "A", and which shall attach as licence conditions.

LICENCE APPEAL TRIBUNAL

Patricia McQuaid, Vice-Chair

Released: July 31, 2013

SCHEDULE "A"

The parties, being 2321772 Ontario Inc. o/a Bel Marine Retirement Residence ("Bel Marine") and the Registrar of the Retirement Homes Regulatory Authority ("RHRA"), have reached a settlement of the issues in appeal. As such, the parties hereby request that the Tribunal grant an Order based on the agreement that the licence of Bel Marine be subject to the following terms and conditions:

1. The licensee shall employ, at its own expense, a person who will have responsibility to ensure that the licensee is in compliance with the *Retirement Homes Act, 2010* ("Act") and its regulations. Additional responsibilities of this employee shall include (i) acting as the primary contact person for communications with the RHRA, including responding to inquiries and requests for information made by the RHRA, and (ii) ensuring timely payments of RHRA fees on behalf of the licensee.

2. If the licensee continues to provide administration of drugs or other substances as a care service to residents within the home, it shall employ or retain, at its own expense, a member of a College, as defined in the *Regulated Health Professions Act, 1991*, who is responsible for developing and overseeing the home's medication administration program, and for ensuring that the program complies with sections 29 – 33 of Ontario Regulation 166/11.

3. The licensee will submit the name, skills and qualifications of the employees it proposes to employ or retain under conditions 1 and 2, above, for the Registrar of the RHRA to review and approve.

4. The licensee will immediately notify the Registrar in writing if one of the approved persons, above, ceases employment.

5. The licensee shall provide the Registrar with evidence of staff training on all required topics, as set out in the Act and regulations, on or before December 1st of each year. The information to be provided to the Registrar shall include an annual schedule of training; the names of each staff member and/or volunteer who received training, including their title or position; the dates of training; the training topics; and the qualifications and contact information of the person(s) providing the training.

6. At all times, the licensee shall maintain compliance with the *Fire Protection and Prevention Act, 1997* (the "FPPA") and the Ontario Fire Code established under Part IV of the FPPA.

7. The licensee will immediately notify the Registrar, in writing, of any noted violations of the Fire Code or if charged or convicted of any offence under the FPPA.