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Date	24 September 2014	Time/Heure	9:19 AM
To/À	Karen Williamson	Applicant's Representative	BY FAX: 613-771-9950
	Jordan Glick	Respondent's Representative	BY FAX: 416-365-1876

From/De Zak Jarosz

Licence Appeal Tribunal

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Pages to follow/Pages à suivre pages including cover

Message

RE: 8790/RHA

2321772 Ontario Inc. o/a Bel-Marine Retirement Residence, Registrar, Retirement Homes Regulatory Authority
Please see attached.

Thank you,
Zak

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Licence Appeal Tribunal

Tribunal d'appel en matière de permis

Ontario

DATE: 2014-09-24
FILE: 8790/RHA
CASE NAME: 8790 v. Registrar of the Retirement Homes Regulatory Authority

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

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

Appellant

-and-

Registrar of the Retirement Homes Regulatory Authority

Respondent

PRE-HEARING ORDER

ADJUDICATOR: Laurie Sanford, Vice-Chair

APPEARANCES:

For the Appellant: Karen Williamson, Agent

For the Respondent: Jordan Glick, Counsel

Heard by teleconference: September 16, 2014

ORDER

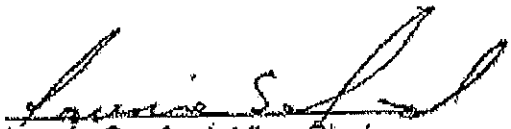
This pre-hearing arises in the course of an appeal to this Tribunal by the Appellant, 2321772 Ontario Inc o/a Bel-Marine Retirement Residence ("Bel-Marine") from a Notice of Decision to Revoke a Licence by the Registrar of Retirement Homes Regulatory Authority (the "Registrar") pursuant to the *Retirement Homes Act, 2010* S.O. c 11.

The parties have settled the issues between them on the terms and conditions attached to this Order as Schedule "A". Accordingly, the Tribunal makes the following Order:

1. The licence of Bel-Marine to operate a retirement home under the Act will be subject to the terms and conditions set out in Schedule "A" to this Order.

2. These terms and conditions supersede and replace those contained in an Order of the Tribunal dated July 31, 2013 in this matter.

LICENCE APPEAL TRIBUNAL



Laurie Sanford, Vice-Chair

Released: September 24, 2014

RHRA Retirement Homes Regulatory Authority

SCHEDULE "A"

The parties, being 2321772 Ontario Inc. o/a Bel Marine Retirement Residence ("Bel Marine" or the "Licensee") and the Registrar of the Retirement Homes Regulatory Authority (the "Registrar" and the "RHRA" respectively), have a reached a settlement of the issues in appeal. Accordingly, the parties request that the Tribunal grant an Order rescinding the Terms and Conditions that were imposed pursuant to the Order made by Vice-Chair Patricia McQuaid on July 31, 2013 and ordering that the licence of Bel Marine be subject to the following terms and conditions:

1. The Licensee must employ or retain a person (the "Compliance Contact") responsible for compliance with the *Retirement Homes Act, 2010* (the "Act") and Ontario Regulation 166/11 under the Act (the "Regulation"). The Compliance Contact will act as the primary contact person for communications with the RHRA, and be responsible for providing timely responses to inquiries and requests for documents and information made by the RHRA.

   The Licensee must submit the name, skills and qualifications of the person it proposes to employ or retain as the Compliance Contact to the Registrar for review and approval. The Licensee must immediately notify the Registrar in writing if the Compliance Contact ceases or will cease to be employed or retained by the Licensee and will take all reasonable steps to replace the Compliance Contact as soon as possible. From the time that the Compliance Contact ceases to be employed or retained by the Licensee, the Licensee must provide the Registrar with a written report as to the steps that have been taken to replace the Compliance Contact. The Licensee must submit a report to the Registrar every Friday by 5 PM until a new Compliance Contact is approved by the Registrar.

2. If the Licensee continues to provide administration of drugs or other substances as a care service to residents in the home, it will employ or retain a member of a College as defined in the *Regulated Health Professions Act, 1991* who is responsible for overseeing compliance with sections 29 through 33 of the Regulation (the "Medication Supervisor").

   The Licensee must submit the name, skills and qualifications of the person it proposes to employ or retain as the Medication Supervisor to the Registrar for review and approval. The Licensee must immediately notify the Registrar in writing if the Medication Supervisor ceases or will cease to be employed or retained by the Licensee and will take all reasonable steps to replace the Medication Supervisor as soon as possible. From the time that the Medication Supervisor ceases to be employed or retained by the Licensee, the Licensee must provide the Registrar with a written report as to the steps that have been taken to replace the Medication Supervisor. The Licensee must submit a report to the Registrar every Friday by 5 PM until a new Medication Supervisor is approved by the Registrar.

3. The Licensee must submit to the Registrar quarterly reports of staff recruitment and training on all required topics, as set out in the *Retirement Homes Act, 2010* and its Regulation (the "Training Reports"). The Training Reports must include the following information for each quarter (three month period) of the calendar year: the names of each staff member or volunteer that the Licensee hired or accepted during the previous quarter and the date of hire or acceptance; the dates that training was provided; the names of each staff member or volunteer receiving training on those dates (including title and position);

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the training topic; and, the name, professional qualifications and position of the person providing the training. The Licensee must submit the reports to the Registrar on or before the following dates: April 15, July 15, October 15, and January 15. The first Training Report is due on or before October 15, 2014.

4. The Licensee must immediately notify the Registrar in writing if it receives an inspection order under the *Fire Protection and Prevention Act, 1997* (the "FPPA") (including the Ontario Fire Code established under Part IV of the FPPA) and submit a copy of the order to the Registrar with the written notice.

5. The Licensee must provide evidence acceptable to the Registrar confirming that the Chief Fire Official has approved a Fire Safety Plan under the FPPA for Bel Marine. Until the Registrar receives such evidence, the Licensee must submit to the Registrar every 30 days from the date of this Order a written report setting out the actions that it has taken over the previous thirty days to have its Fire Safety Plan approved by the Chief Fire Official and the steps that it will be taking over the next thirty days to receive such approval.

6. The Licensee must immediately notify the Registrar in writing of any charges and convictions under the FPPA, and include details relating to any charge or conviction.

7. The Licensee must immediately obtain (and maintain) extra expense insurance in accordance with section 5.1 of the Regulation in an amount acceptable to the Registrar. The Licensee must additionally submit a certificate of insurance meeting the requirements of section 5.1 of the Regulation by October 1 of each year.

8. The licensee must submit to the Registrar the following records by May 1st of each year, starting on May 1, 2015:

   a. the written record required by paragraph 24(5)(c) of the Regulation relating to testing of the emergency plan, planned evacuations, and changes made to improve the emergency plan; and,

   b. the record required by paragraph 55(5)(c) of the Regulation relating to consultations with community agencies, partner facilities and resources involved in responding to an emergency as set out in subsection 25(2) of the Regulation.

9. The Licensee must immediately notify the Registrar in writing if it receives an inspection or other order from the Ontario Ministry of Labour and submit a copy of the order to the Registrar with the written notice. The Licensee must immediately notify the Registrar in writing if the Ministry of Labour brings charges against the Licensee, and include details about the charges in the notice.

10. The Licensee must immediately notify the Registrar in writing if it receives an inspection or other order from the Electrical Safety Authority and submit a copy of the order to the Registrar with the written notice. The Licensee must immediately notify the Registrar in writing if the Electrical Safety Authority brings charges against the Licensee, and include details about the charges in the notice.

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11. The Licensee must immediately notify the Registrar in writing if it receives an inspection or other order from the Hastings & Prince Edward Counties Health Unit and submit a copy of the order to the Registrar with the written notice.

12. The Licensee must immediately notify the Registrar in writing if it is charged with an offence under the Ontario *Provincial Offences Act*, and disclose the nature of the charge. The Licensee must notify the Registrar in writing concerning the outcome of the charge, including any conviction or fine.

The parties agree that these terms and conditions will run for a period of two years from the date the Order is issued. After the two year period, on application by Bel Marine for the removal of these terms and conditions, the Registrar shall remove them unless any of the terms and conditions have been breached or unless the RHRA becomes aware after the date of the Order of conduct which raises concerns regarding Bel Marine's suitability to be licensed, pursuant to section 35(1) and 35(2) of the *Retirement Homes Act, 2010*.

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