Court File No. CV-18-599141-00

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

RETIREMENT HOMES REGULATORY AUTHORITY

Applicant/Moving Party

- and -

Q & SONS MANAGEMENT INC. (C.O.B. FAIRFIELD MANOR EAST) & MUHAMMAD QAZI

Respondents

ORDER

THIS MOTION made by the Applicant, the Retirement Homes Regulatory Authority, for an interim injunction/compliance order against the Respondents, as well as other ancillary relief, was heard this 8th day of June, 2018, at Toronto, Ontario.

ON READING the Affidavit of Corina Gadde, sworn on June 4, 2018, the Affidavit of Ryan McAfee, sworn June 5, 2018, and on hearing the submissions of the parties,

1. **THIS COURT ORDERS** that, if and to the extent it is required, the time for service of the Notice of Motion, Motion Record and Factum in respect of this Motion (collectively, the "**Materials**") be and is hereby abridged so that the Motion is properly returnable today, that all parties requiring service of the Materials have been duly served, and that further service of the Materials upon all interested parties be and is hereby dispensed with and the service of the Materials be and is hereby validated in all respects.

2. **THIS COURT ORDERS** the Respondents to comply with sections 51(1)1, 51(1)4, 60, 62(1), 64(1), 65, and 67(2) of the *Retirement Homes Act, 2010*, SO 2010, c 11, as amended (**"RHA"** or the **"Act"**), and the regulations under that statute including section 29 of *Ontario Regulation 166/11* (**"General Regulation"**) and, in particular, to:

(a) refrain from neglecting residents at Fairfield Manor East located at 670 Mclean Court in Kingston, Ontario (**"Fairfield"**);

(b) ensure that all staff and/or agents working at Fairfield have the proper skills, qualifications, and training to perform their duties and, in particular, to ensure that at least one staff is capable of administering drugs or substances pursuant to the requirements in section 29 of the General Regulation at all times;

(c) ensure that the care services that the licensee and the staff of the home provide to the residents of the home meet the prescribed standards under the Act and General Regulation, and in particular:

(i) ensure that care services are provided by staff who are suitably qualified and trained to provide the services;

(ii) ensure that each resident who is receiving the administration of drugs or other substances (collectively **"Drugs"**) as a care service are administered the Drugs or other substances in accordance with the directions for use specified by the person who prescribed the Drug for the resident;

(iii) ensure that there is at least one person retained and onsite at all times who has received training in the procedures applicable to the administration of each of the Drugs that are administered to residents and is able to administer those Drugs in accordance with the requirements in section 29 of the General Regulation to the Act;

(iv) ensure that the person(s) identified in section 2(c)(iii) above is/are trained in,

(A) ways of reducing the incidence of infectious disease, including maintaining proper hand hygiene,

(B) the safe disposal of syringes and other sharps, and,

(C) recognizing an adverse Drug reaction and taking appropriate action;

(v) ensure that no Drug is administered by a volunteer;

(vi) ensure that the care services provided to residents are set out in a plan of care and are provided to the resident in accordance with the plan and the prescribed requirements;

(vii) ensure that screening measures are conducted in accordance with the regulations before hiring staff and accepting volunteers to work in the home;

pending the outcome of the Retirement Home Regulatory Authority's (the "**Authority**") application.

3. **THIS COURT ORDERS** the Respondents to comply with Compliance Order 2018-N0451-90-01 that was issued pursuant to section 90 of the Act, pending the outcome of the Authority's application.

4. **THIS COURT ORDERS** the Respondents to provide to the Registrar, Retirement Homes Regulatory Authority (**"Registrar"**), (1) a list of current residents of Fairfield, (2) the name and contact information for each resident's substitute decision maker or primary contact, and, (3) a list of care services that are provided to the resident pursuant to the "Plan of Care" within 7 days of the making of this order.

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5. **THIS COURT ORDERS** the Respondents to provide a report every ~~Monday~~ Wednesday between the hours of 9 A.M. and 12 P.M. (noon) to the Registrar which must include:

(a) a notation of every person retained during the prior 7 days who was trained and qualified to administer Drugs in accordance with section 29 of the General Regulation, as well as the specific hours that they were onsite at Fairfield and their contact information;

(b) the name of any resident who was not administered Drugs in accordance with the directions for use specified by the person who prescribed the Drug for the resident at any point during the prior 7 days and a description of the circumstances that gave rise to the incident;

(c) the name of any resident who was sent to the hospital, the circumstances surrounding the incident and whether the resident has returned to Fairfield;

(d) the name of any resident who has departed and therefore no longer resides at Fairfield, the reason for their departure, and where they have departed to;

(e) the name of any new resident to Fairfield, along with their "Plan of Care" as defined in section 62 of the RHA;

(f) a list of current residents, the name and contact information for each resident's substitute decision maker or primary contact, a list of care services that are provided to the resident pursuant to the "Plan of Care", and in the case of a change to care services, the date that change occurred;

pending the outcome of the Authority's application.

6. **THIS COURT ORDERS** that the costs of this Motion will be determined by the judge who presides over the Authority's Application.

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JUN 08 2018

PER / PAR:

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Respondents

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Proceeding commenced at **Toronto**

ORDER

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