

Ministry of Long-Term Care
Long-Term Care Operations Division
Long-Term Care Inspections Branch

Toronto District
5700 Yonge Street, 5th Floor
Toronto, ON, M2M 4K5
Telephone: (866) 311-8002

Immediate Compliance Order

Original Public Report

Report Issue Date: June 2, 2023	
Inspection Number: 2023-1100-0007	
Inspection Type: Complaint	
Licensee: Rykka Care Centres LP	
Long Term Care Home and City: Hawthorne Place Care Centre, North York	
Lead Inspector Noreen Frederick (704758)	Inspector Digital Signature
Additional Inspector(s) Rajwinder Sehgal (741673)	

INSPECTION REPORT SUMMARY

The inspection occurred on the following date(s): June 1, 2, 2023.

The following intake was inspected:

- Intake: #00089067- SAO Initiated intake related to concerns over no air condition in the long-term care home
- Intake: #00089073 - concern related to cooling requirements/air conditioning requirements in a resident's room.

COMPLIANCE ORDER [ICO #901] AIR CONDITIONING REQUIREMENTS

NC# 001 Compliance Order pursuant to FLTCA, 2021, s. 154 (1) 2.

Non-compliance with: O. Reg. 246/22, s. 23.1 (3) (1)

The Inspector is ordering the licensee to:

FLTCA, 2021, s.155 (1) (a) do anything, or refrain from doing anything, to achieve compliance with a requirement under this Act

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Compliance Order: [FLTCA 2021, s. 155 (1)]

The Licensee has failed to comply with O. Reg. 246/22, s. 23.1 (3) (1)

The licensee shall ensure that:

1. They ascertain a Heating Ventilation and Air Conditioning (HVAC) Engineer/Technician to ensure air conditioning is operating efficiently for the purpose of cooling the temperature in every resident room.
2. Monitor and record air temperatures in each resident's room twice daily to ensure cooling and is at a comfortable level for residents.
3. Obtain a report from the HVAC Engineer/technician to describe the capacity of the air conditioning unit to cool this home appropriately.
4. The monitoring and recording of air temperatures in resident's rooms shall continue for one month after compliance is achieved with this order. The temperature logs must be filed, maintained in the home and emailed daily to Toronto District at TorontoSAO.MOH@ontario.ca

Grounds

The licensee has failed to ensure that all resident rooms had air conditioning that was operating and was used in accordance with the manufacturer's instructions from the time period between May 15 and September 15.

Rationale and Summary

The Ministry of long-term care (MLTC) received multiple heat related complaints from residents and a family member.

On June 1, 2023, the inspector observed that residents' rooms were very hot and air temperatures ranged from 27.6 degrees Celsius to 29.0 degrees Celsius. During interviews, multiple residents reported feeling hot and experienced heat related illness symptoms. Furthermore, daily temperature logs and staff interviews revealed that they were aware of high temperatures in the home.

Upon inspector's request, Environmental Supervisor (ES) measured five residents' rooms temperature while inspector being present. The temperatures ranged from 28 degree Celsius to 30.3 degree Celsius. ES acknowledged that the home's air conditioning system was not operating adequately to maintain resident's room temperature between 22 degrees Celsius to 26 degrees Celsius.

There was a risk of heat related illness to residents when the air conditioning in the home was not in good working order.



**Inspection Report Under the
Fixing Long-Term Care Act, 2021**

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Sources: Observations of residents' rooms, interviews with residents, Environmental Supervisor, and other staff.

[741673]

This order must be complied with by: June 8, 2023

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REVIEW/APPEAL INFORMATION

TAKE NOTICE

The licensee has the right to request a review by the Director of this (these) Order(s) and/or this Notice of Administrative Monetary Penalty (AMP) in accordance with section 169 of the *Fixing Long-Term Care Act, 2021* (Act). The licensee can request that the Director stay this (these) Order(s) pending the review. If a licensee requests a review of an AMP, the requirement to pay is stayed until the disposition of the review.

Note: Under the Act, a re-inspection fee is not subject to a review by the Director or an appeal to the Health Services Appeal and Review Board (HSARB).

The request for review by the Director must be made in writing and be served on the Director within 28 days from the day the order or AMP was served on the licensee.

The written request for review must include:

- (a) the portions of the order or AMP in respect of which the review is requested;
- (b) any submissions that the licensee wishes the Director to consider; and
- (c) an address for service for the licensee.

The written request for review must be served personally, by registered mail, email, or commercial courier upon:

Director

c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
438 University Avenue, 8th floor
Toronto, ON, M7A 1N3
e-mail: MLTC.AppealsCoordinator@ontario.ca

If service is made by:

- (a) registered mail, is deemed to be made on the fifth day after the day of mailing
- (b) email, is deemed to be made on the following day, if the document was served after 4 p.m.

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- (c) commercial courier, is deemed to be made on the second business day after the commercial courier received the document

If the licensee is not served with a copy of the Director's decision within 28 days of receipt of the licensee's request for review, this (these) Order(s) is (are) and/or this AMP is deemed to be confirmed by the Director and, for the purposes of an appeal to HSARB, the Director is deemed to have served the licensee with a copy of that decision on the expiry of the 28-day period.

Pursuant to s. 170 of the Act, the licensee has the right to appeal any of the following to HSARB:

- (a) An order made by the Director under sections 155 to 159 of the Act;
- (b) An AMP issued by the Director under section 158 of the Act; or
- (c) The Director's review decision, issued under section 169 of the Act, with respect to an inspector's compliance order (s. 155) or AMP (s. 158).

HSARB is an independent tribunal not connected with the Ministry. They are established by legislation to review matters concerning health care services. If the licensee decides to request an appeal, the licensee must give a written notice of appeal within 28 days from the day the licensee was served with a copy of the order, AMP, or Director's decision that is being appealed from. The appeal notice must be given to both HSARB and the Director:

**Health Services Appeal and Review
Board**

Attention Registrar
151 Bloor Street West, 9th Floor
Toronto, ON M5S 1S4

Director

c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
438 University Avenue, 8th Floor
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Upon receipt, the HSARB will acknowledge your notice of appeal and will provide instructions regarding the appeal and hearing process. A licensee may learn more about the HSARB on the website www.hsarb.on.ca.