

WILL DAVIDSON LLP SUBMISSION TO THE STANDING COMMITTEE ON JUSTICE POLICY

Will Davidson LLP appreciates the opportunity to make submissions to the Standing Committee on Justice Policy regarding Bill 218, supporting Ontario's Recovery and Municipal Elections Act, 2020 ("Bill 218").

Will Davidson LLP acknowledges the objective to protect businesses and front line workers including doctors, nurses and personal support workers, who are our heroes in this pandemic, from potential lawsuits arising from infection, or exposure to, Covid-19. Will Davidson LLP have not commenced nor do they have any intention to commence any legal actions against any front line workers or small businesses in relation to infection or exposure from Covid-19. Will Davidson LLP recognize the exigent circumstances that this pandemic presents and have no interest in engaging in lawsuits that will bankrupt small businesses or expose front line workers.

However, Will Davidson LLP views long term care ("LTC") and retirement homes as being unique from "mom and pop" small businesses. LTC homes and retirement homes are meant to provide care to the most vulnerable members of our population, often those who cannot speak for themselves. Many of these individuals are significantly disabled both mentally and physically and are entirely dependent on their caregivers for the quality of their daily care.

We have seen a devastating and traumatic impact of the spread of Covid-19 in some LTC and retirement homes in Ontario. In fact, almost 2,000 residents have died from Covid-19 since the start of the pandemic. Many of these deaths could and should have been prevented.

Over the past 7 months Will Davidson LLP has received many hundreds of phone calls from residents or family members of residents of LTC and retirement homes. Will Davidson LLP have investigated the complaints and in many circumstances have determined that the residents and family members would not be able to prove that the LTC homes and retirement homes were negligent and told the residents and family members that those cases could not be pursued. In each circumstance this was based on an analysis of the law of negligence which is well established as it has evolved over a hundred years and whether claims could ultimately be proven in a court according to existing case law.

Will Davidson LLP acknowledges that there are many well-run long term care facilities and retirement homes in the Province of Ontario. In fact over half of the LTC and retirement homes have no deaths and no infections. We at Will Davidson LLP salute those dedicated individuals and companies who are working so hard to keep these vulnerable residents safe and healthy in these difficult times.

At the other end of the spectrum, there are a few homes which have accounted for the majority of deaths in long term care facilities in Ontario. In those cases, where contacted by families and after a thorough investigation, Will Davidson LLP has decided to bring actions against the following LTC homes:

1. Lundy Manor – 19 deaths and 45 infections
2. Orchard Villa – 78 deaths and 268 infections
3. Village of Erin Meadows – 21 deaths and 54 infections
4. Erin Mills Lodge – 21 deaths and 46 infections
5. The Village of Humber Heights – 38 deaths and 22 infections
6. Holland Christian Homes – 12 deaths and 74 infections
7. Ballycliffe Chartwell – 31 deaths and 78 infections
8. Ina Grafton Gage Home – 31 deaths and 69 infections
9. Seven Oaks – 41 deaths and 56 infections

For each of these homes, Will Davidson LLP considered that the owners of those homes did not act reasonably and provided negligent care to their residents. These actions were commenced in the spring and early summer.

Will Davidson LLP recommends first and foremost that LTC and retirement homes be made exempt from the proposed legislation. This can be done by adding the following section to the legislation:

Non-application long term care and retirement homes

- 2.1 Section 2 does not apply with respect to any long term care home, as defined in the *Long Term Care Homes Act, 2007*, S.O. 2007, c.8, as amended or any retirement home as defined in the *Retirement Homes Act, 2010*, S.O. 2010, c.11, as amended.

The exemption is necessary due to three primary concerns that may lead to unintended consequences such as protecting large corporate LTC and retirement homes some of whom earn revenues of over \$1 billion dollars each year from legitimate negligence claims. These concerns are grouped into three categories to be discussed separately as follows:

1. Standard of gross negligence;
2. Legal ambiguity in the definition of "good faith effort";
3. Retrospective affect of the legislation.

Gross Negligence

The requirement to establish gross negligence under the Act is an unnecessarily high threshold. Negligence law already provides ample protection against lawsuits for individuals and businesses. A Plaintiff must prove that a Defendant fell below the standard of care, meaning that a person or business must act ***reasonably in the circumstances***. Reasonableness is determined by legislation, regulations and/or jurisprudence, taking into account what is

appropriate in the circumstances. Lawsuits arising from exposure to, and infection from, COVID-19 are in the context of a global pandemic. The courts will consider the exigent circumstances of the pandemic when determining reasonableness, which already creates an added burden for a Plaintiff.

Most LTC and retirement homes have either prevented or stopped the spread of COVID-19, with few or no cases or deaths, by taking reasonable steps and upholding the standard of care. Those homes who acted reasonably will not be the subject of litigation under our current negligence standard in Ontario.

Will Davidson LLP submits, therefore, that there is no need for a higher threshold than already exists with standard negligence law. To require proof of standard of gross negligence places an unduly onerous burden on the most vulnerable members of our population, and their families, who are already grieving. Departing from the current negligence standard will allow negligent LTC and retirement homes that failed to care for their residents to escape accountability and justice. Without further clarity on what would be considered gross negligence, a court may ultimately decide that a LTC or retirement home was not grossly negligent even if it had not followed the Public Health guidelines. That cannot be the intent of the government.

The introduction of a gross negligence standard will also create a great deal of uncertainty as to exactly what Plaintiffs are required to prove to be successful in their claims. The Defendant LTC homes and their insurers and counsel will use the gross negligence standard as an insurmountable hurdle for all residents and their families. Ultimately the court will have to decide the meaning of gross negligence and because of the importance of these issues this is an issue that will ultimately be determined in our appellate courts ending up ultimately in the Supreme Court of Canada. This will necessarily mean that residents and their families will have to wait for up to 10 years for adjudication of their claims.

Good Faith Effort

The proposed legislation contains the definition of “good faith effort” in s. 1 as including “an honest effort, whether or not that effort was reasonable”. The inclusion of the word “honest” creates a great deal of ambiguity, given the inherent subjective meaning of the word. A court will have an almost impossible task in determining a legal standard for “honest” that can be applied fairly and consistently in all cases.

Further, the inclusion of the words “whether or not that effort was reasonable or not” departs entirely from our existing body of law. This definition invites an enormous spectrum of possible outcomes, without any consistency. Further, this language invites individuals and businesses, including owners and operators of LTC and retirement homes to act unreasonably. Will Davidson LLP submits this outcome would violate public policy and contradict the government’s intention to keep LTC and retirement homes accountable, as promised.

Retrospective Effect

All legislation is presumed to apply to future acts and conditions. If the law is changed while an action is pending, the rights of the parties are decided according to the law as it existed when the action was started. There are very good reasons for these existing legal presumptions.

Everyone in society should know the rules that apply and the potential consequences of a breach of the rules at the time the events take place. In the spring and summer of 2020, it was well known to the owners of LTC and retirement homes that if they failed to meet the standard of care and were negligent, there were potential legal consequences to those negligent actions. The residents and their families had an expectation that if they were treated negligently, they could have recourse in a civil proceeding to recover any losses.

It is one thing to change the law for negligence on a go forward basis. However, the proposed legislation has the effect of shielding negligent actors from responsibility for past actions and omissions.

If the law were only to apply to future events, then residents could make an informed decision on whether they wished to continue to pay the LTC or retirement home in circumstances where that care could be unreasonable and negligent. Many families in those circumstances might decide that it would be better for them to look after elderly parents in their own homes.

Bill 218 says that these proceedings, whether already filed in the courts or about to be filed, are deemed to have been dismissed without costs [Section 2(6)]. Further Section 2(7) provides that no person is entitled to any compensation or any other remedy for the extinguishment or termination of rights under this proposed Act.

Residents who contracted Covid-19 due to negligence of the LTC and retirement homes, and lost their lives, are presumptively entitled to have their case decided according to the law at the time of the negligent action. Many families of the victims of Covid-19 sought legal advice respecting their rights and obtained opinions from lawyers based on the law which existed in early 2020. Many actions have already been started and significant time and expense have been incurred to investigate these claims.

Just as it would be unfair to LTC and retirement homes to change the law retrospectively to **increase** the standard they owe to residents, WILL DAVIDSON LLP submits it is equally unfair to retrospectively **decrease** the standard of care.

WILL DAVIDSON LLP's Recommendations

Will Davidson LLP makes the following recommendations:

1. Provide a specific exemption from the Act for LTC and retirement homes; and
2. Any immunity provided under the Act takes effect the day of Royal Assent.

The specific exemption proposed is set out at page 3, paragraph 2 of our submissions.

Conclusion

Premier Doug Ford said in a press conference on July 15, 2020 and again on October 21, 2020, that he intends to hold negligent LTC and retirement homes accountable.¹ When the Canadian Forces Report (detailing the care provided at 6 LTC homes) was released on May 26, 2020 Premier Ford said it was the most heart wrenching report he had ever read.² He said that the dignity of the residents was not being respected and he said there would be responsibility and accountability for those that were responsible and there would be justice for the residents and their families. Will Davidson LLP fully supports the comments made by the Premier on May 26, 2020. The proposed legislation does not allow the promised accountability. The potential retrospective dismissal of actions, the ambiguity of “good faith effort” and the onerous standard of gross negligence will make the fight longer and more expensive for families seeking justice. The corporate owners of LTC and retirement homes that are responsible for the most Covid-19 deaths in Ontario will be permitted to escape justice.

¹ Premier Ford, Minister Elliott, Associate Minister Tibollo and Associate Minister Dunlop make an Announcement on Wednesday, October 21, 2020 - <https://twitter.com/i/broadcasts/1rmGPYMwEaMJN>

² CBC News, 'Most heart-wrenching report I have ever read in my entire life': Ford - <https://www.cbc.ca/player/play/1742547524001>

Possible consequences of passage of legislation

As we begin to look forward from a standpoint of having lived through this pandemic through the past 8 months we should want to do everything in our power to protect our elderly vulnerable population in the future. We are now living through a second wave of infections and possible future waves in 2021.

We should want to ensure that current residents and their families are protected in the future. The current legislation does nothing to ensure a higher level of care for our elderly vulnerable population. In fact this legislation if passed will likely mean that in the future residents of long term care facilities might receive a lower standard of care. This legislation shields long term care facilities from future acts of negligence. Long term care facilities who are interested in maximizing their profits might take the opportunity to lower existing standards of care which will result in an even more horrifying experience for our vulnerable population in the future. Some of the accounts of what has already been experienced in the past are attached to these submissions. This is only a small sample as there are now close to 2,000 families who lost loved one in LTC and retirement homes. The passage of this legislation may lead to future unnecessary deaths and suffering to residents of long term care facilities.

Will Davidson LLP again thanks the Standing Committee on Justice Policy for the opportunity to provide this submission and would be pleased to provide any further assistance and input as needed to ensure that this legislation is fair to all Ontarians.

October 30, 2020

Good day,

I am the son of Joseph and Joan McVeigh who were residents at Seven Oaks Long Term Care in Scarborough. Both of my parents are deceased, they died nine days apart from COVID-19.

My parents both served their communities with honour. My Father as a Toronto Police Detective and my Mother as a program director with Peel Lunch and After School program.

They both suffered from dementia, and required full time care. Their quality of life although diminished was still good, they enjoyed each other's company, visits from family and interacting with staff.

From the onset of the pandemic it was clear my parents and others in LTC facilities were victims of discrimination based on age and disability. This was perpetuated institutionally and by the various levels of government that oversee Long Term Care facilities.

The decisions made by Seven Oaks, lacked common sense and responsibility. They contradicted the decisions made to protect the citizens of Ontario, and were deliberate in nature and intent. Seven Oaks and the City of Toronto had adequate time to prepare for the deaths that occurred, as 6 weeks earlier it was demonstrated in Europe that geriatric citizens in long term care were the most vulnerable, and at the highest risk.

Despite my pleas, my Mother was fed in a dining hall while there was a COVID-19 outbreak, contradictory to the pandemic plan of Canada for institutional settings. At this time restaurants were not open and society was on a "lockdown". As a result of precautions not being taken my mother contracted COVID-19. After contracting the virus she received inadequate care, and likely suffered dehydration. I was not given the opportunity to speak, visit or have a FaceTime call with my Mother to check on her well being. My Mother should have been hospitalized as along with COVID-19, she was not eating or drinking properly.

My Mother passed away, she did not receive a proper funeral due to COVID restrictions.

My Father tested negative after my Mother's death, he died 9 days after my Mother. He tested positive in his postmortem COVID test. My father was bed ridden, the disease could only have been brought to him by staff as a result of poor infection control.

Our family lost them both within nine days, both deaths preventable. The hurt is immeasurable. Taking away rights from their estate only amplifies this pain. Throughout this Pandemic hard working people like my parents due to their age and disability were treated like 2nd class citizens. They were an afterthought, expendable, not as important to keep alive. Now through political expediency, if it wasn't bad enough that their rights were diminished while alive, the Province wants to remove rights away from their estates. Should the Province move ahead with Bill 218 it will leave a blemish on the politicians who voted in favour of this bill. This decision and the treatment of our elderly in Long Term Care will never be forgotten. Like other tragic legacies in this Province, this will be remembered by generations to come.

Greg McVeigh

November 3, 2020

TO COMMITTEE FOR REVIEW OF BILL 218:

My name is Sylvia Lyon. My mother, Ursula Drehlich, resided at Orchard Villa LTC in Pickering, until her death due to Covid-19 on April 23, 2020.

I am the representative plaintiff in the Class Action against the owner and operator of Orchard Villa and am limiting my comments to the implications that Bill 218 would have on Long Term Care (LTC) homes and retirement homes.

My mother's living situation was very well-suited to being protected and isolated from the Covid-19 virus. She had a private room. She was confined to her room in wheelchair because she was unable to propel herself. Before April 11, staff started to bring her meals to her room to feed her. And her ward was well-designed to enable the isolation of residents: it was a distinct hallway with lockable fire doors so that any transfers of food, equipment and staff could be passed off at the closed doors.

So, this shows very clearly, that the virus was brought to her, either on the surface of items brought to her room like food trays or toiletries, or by the staff themselves. The disease was brought to her.

She lived in LTC's for 9 years (6 ½ at Orchard Villa) because of physical problems (mobility, hearing and motor control loss) caused by the long-term effects of radiation treatment after the successful removal of a brain tumour in 1974. She also became clinically blind in one eye, and later mini-strokes and TIA's left her unable to swallow food properly and her speech became unintelligible to most. But she had capacity, and she had a very strong constitution. She rarely caught colds or flu during her 9 years at LTC homes, and she had no diabetes, kidney or heart problems. So, despite her physical challenges, I believe, that if the disease hadn't been brought to her, she likely would have lived months or years longer.

It was only through her determination and strong will that she was able to cope with her physical challenges over the years: she did not deserve to have conquered all of these challenges, only to die as soon as she did, and under the most appalling of conditions.

Therefore, I was so grateful to learn of the Class Action that was being represented by Will Davidson LLP and that was some way of attaining some kind of accountability. If I hadn't learned of the Class Action, I don't know where I would have started in order to seek some redress – and solace for her untimely death.

Another reason I supported the Class Action suit is because it has become apparent that the MOHLTC (now MLTC) (regardless of what government the health ministries were under), has not consistently prosecuted in court, LTC owners/operator who were in non-compliance with regulations

I am also grateful for the mechanism of a Class Action is because it has become clear to the public, that the MOHLTC has been unwilling to prosecute LTC owners / operators who have a history of repeatedly and flagrantly violating the Long Term Care Homes Act, often repeating the same violations for years with no improvement.

The inspection reports show that many Ontario homes suffered from low and inadequate staffing, poor training, and inadequate supplies. In the case of Orchard Villa, they didn't have enough bed linens, so it would be very difficult to believe that they did not have enough PPE!

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The Ministry of Environment successfully prosecutes companies that pollute and spew toxins into our air, land and water resources. The Ministry of Labour prosecutes employers who do not properly train or provide equipment to workers who are injured or even die on the job.

Yet the MOHLTC does not have a similar business model or policy for prosecution.

Are not the vulnerable residents of LTC homes, the elderly and those whose fragile health issues require continuous oversight, worth at least the same kind of processes, consideration and regulatory oversight?

It's become very clear that many owners and operators have cut staff and equipment in order to increase their profit margin (and/or dividends to their shareholders); if they are driven by money, then levying fines through court prosecutions seems to be the only way to hold these owners / operators to account – hurting them through their pocket-books. It is disheartening to know that these owners / operators also receive funding from the government - a transfer of money from the many tax-payers, to the few management staff or investors.

Class Actions and individual claims will do what the health regulators have not: they bring particular LTC home owners and operators to court for prosecution, subjecting those homes to compensate residents and their families for the harm which was caused, including aggravated and punitive damages, in an amount that a Judge and Jury considers appropriate.

Health regulators weren't willing to prosecute, and perhaps their business model didn't allow for this. So, private individuals and families, have had to do what health regulators should have, step in and bring errant LTC owners and operators to court to be held accountable for the consequences of their negligence.

But now, by introducing Bill 218, the government has the audacity to make it even more difficult for those very families.

We are now in a second wave of Covid-19, and LTCs are showing an increased number of Covid-19 cases, so likely there will be more families who will have affected loved ones. This Bill will discourage or stifle the voices of the families who want to bring owners / operators to task because the health regulators haven't.

We should be looking at ways to improve the standard of care in LTC homes. This Legislation may actually make the care available in LTC homes worse than it has been! The LTC industry will now know that they will never be accountable for negligent and unreasonable care. No one in Ontario wants that to happen.

I truly believe that this Legislation should not apply to LTC homes and retirement homes.

Respectfully submitted for your consideration,

Sylvia Lyon

October 28, 2020

RE: Bill 218 referred to Standing Committee on Justice Policy

Dear Members of the Committee:

My Mother, Rose Bobyk-Sembay was a resident of Lundy Manor, a holding of Oxford Living Inc., in Niagara Falls, Ontario.

In late March of this year, my mother Rose started presenting with covid like symptoms, was later hospitalized, and subsequently passed away on April 9, 2020, from complications arising out of contracting Covid 19. My mother was one of the (19) residents who succumbed to the virus, due to the inaction, gross negligence, wanton disregard, and arrogance by the management of Lundy Manor/Oxford Living Inc. My mother Rose was an amazing woman who left a lasting impression on everyone whose lives she touched. My family and I grieve and miss her every day.

It is quite upsetting that Bill 218 seeks to protect the very "for-profit corporations" that did not protect our loved ones in their care"; by not initiating, or enforcing lockdown procedures in a timely manner; by not initiating social distancing in the dining room or games room, by allowing outsiders into the senior home without pre-screening, or by hosting a Pub night, and so on. Premier Doug Ford was quoted in the news, as saying, (when he was made aware of this situation), *"You've got to be kidding me!"*

It was well known in advance that LTC and Senior homes were housing the innocent, the population most vulnerable to the virus. Where were the rights of the victim's; who was protecting them? It certainly was not Lundy Manor/Oxford Living Inc. Where are the rights for the grief stricken families? How will justice be served if those responsible for death of our loved ones go unpunished? What incentive will they have to change their ways? It was the greed of the for-profit corporation(s) that caused the pain, suffering and death of our loved ones, as well as the pain, suffering and loss to the shattered lives of the grieving families.

Case in point, on October 5, 2020, another staff member at Lundy Manor/Oxford Living Inc. tested positive for Covid 19. How many more people need to die before Oxford Living Inc. gets-on-board with government sanctioned legislations and directives for dealing with the pandemic? Please do not pass Bill 218 or nothing will change to prevent another catastrophe within the LTC or Senior home systems'.

Sincerely yours,

Irene M. Bobyk

October 30, 2020

Mr. Trung Do

Contact phone number
6478285791

Email address
nitrowsb@hotmail.com

Hi,

I am the son of Minh Quoc Do, a deceased resident inside Erin Mills Lodge in Mississauga. My father died because of complications from Covid19, he died because the home he was in did not take the virus seriously, he died because the group running the homes failed to provide necessary safety measures to ensure the safety of staff and the vulnerable residences in their care. He died because of negligence period. Like a parent of a minor that was not able to provide the necessities of life. Like a parent leaving a child unattended causing death or injury. Like a business allowing a patron too many drinks and letting them drive home. Like how a car manufacturer taking short cuts in safety and causing accidents. How is it that the publicly funded homes have very few or no cases at all? I worked part time delivering to dozens of these homes during the peak of the first wave...and NONE of them had any cases at all! The screening, the masks, the gowns, were they being done at these homes with breakouts? I doubt it.

I miss my dad, I'm sad for my mom missing my dad, the entire family and extended family of son's, daughter, sister, mother-in-law, grand kids, great grand kids, friends, we all miss him. It wasn't his time and someone has to be responsible, COVID is the swimming pool, the child was my dad, and the ones watching my dad is ultimately responsible for his death.

Please, if you pass this Bill, then no one will be accountable and it will set a precedent for other "businesses" to get away with murder. By allowing accountability, you are allowing those who made mistakes to rectify them and change for the better of future populations that will require care.

Thank you,

Trung

November 3,, 2020

"To Whom It May Concern,

I am Vivian, the eldest daughter and best friend of the late Bianca Rossetto. My Mamma resided at Lundy Manor in Niagara Falls for approximately 2 ½ years. My Mamma passed away on April 9, 2020 due to complications from Covid 19 which she contracted at her home which we thought was going to be the best place for her to spend her "golden years". She passed away in the hospital....all alone, without me or anyone else there with her. She passed away because of the negligence, inconsideration and disrespect shown to her by the management of Lundy Manor. We lost the matriarch of our family on April 9. We lost our Nonna on April 9. I lost my best friend on April 9. Life is not the same. I try to carry on without Mamma but I feel dead inside. Not only did Lundy Manor take Mamma away from me, they also took me away from me.

On behalf of my family, I beg you not to pass Bill 218. PLEASE HOLD THOSE ACCOUNTABLE **ACCOUNTABLE** !!!! "

October 30, 2020

Good day

I write this submission on behalf of my father-in-law and Mother-in-law. Jeanne Legere (92years old) and Nicholas Legere (96years old). They were residents who were locked inside Orchard Villa LTC in Pickering ON during the first wave of COVID-19. They both lived. Nick has told us his horrific stories. CBC news would be very interested in hearing and airing his stories. It is hard to imagine that stories like these can exist in a country like Canada.

As a registered nurse (RN) myself, I have always been so very proud of our healthcare system. Having now experienced how our system has failed its most vulnerable residents during COVID has made me ashamed. Ultimately, our government is responsible for providing legislation and directives, to our publicly-funded AND privately funded long-term care facilities. If we now remove this accountability from our government, what measure(s) will ensure there is accountability in place?

I am shocked and appalled that this legislation is even being entertained at a time such as now. My 26 year career provided nothing but gold-standard care. The care of our long-term care residents is appalling.

Our government must be held accountable for the business decisions it makes.

I implore you to turn this Bill down.

All our lives will someday be vulnerable, and we need to ensure that our Government is accountable to its people.

Cathy Legere, RN
416-802-2422

Cathy

November 1, 2020

TO WHOM IT MAY CONCERN:

My name is Sherry Bagnato and I am writing on behalf of myself and my brothers. Our mother, Victoria Taylor was a resident of Ina Grafton Gage Home. She died from Covid in May 2020. It is with anger that we are writing this letter. As a small long term care home, we feel that the outbreak of the virus that began on the second floor, could have been prevented.

My mother was on the first floor and it was alarming how quickly residents contracted the virus, and how unprepared the home was to handle it. Patients were not isolated immediately, and continued to have meals with other residents, despite the speed in which the virus spread.

Residents in the home are a vulnerable population. COMPLETE lockdown should have happened swiftly, and with no exceptions. This is not a population that can afford to wait, and common sense states that protocol was not followed. We had no idea that there had been so many deaths. The home was calling daily but stopped tallying the number of deaths occurred. It wasn't until we read it in the paper about the sheer number of deaths, did we understand how out of control the virus had become. Bringing in hospital staff to help, speaks for itself. The home was completely unprepared to handle a pandemic. It was shocking, to say the least.

The irony of this circumstance is that Victoria Taylor owned a nursing home in Sprindale, outside of Peterborough for a time. Great care was given along with incredibly high standards regarding the level of safety that was met in her home. It saddens me greatly to think she had to die in this manner. Facetimeing her while she was gasping for breath was emotionally heart wrenching.

Victoria was a bright, artistic, beautiful woman who is missed dearly along with the other residents who have passed by this virus. It is nothing short of shameful that inspectors didn't enter the home to ensure protocol was being followed. If this Bill is passed, it sets a precedent that being unprepared for a crisis is alright. Would you tell that to the firemen, or the police or emergency hospital staff? There will continue to be a lack of vigilance, despite a predicted increase in outbreaks such as covid. Shame on you, if you allow this Bill to go through.

Sincerely
Sherry Bagnato

RE: Anne Sulyma – Respect of Bill 218

On May 17, 2020 at 8:35 a.m. I received a call and the light in my heart completely dimmed. I lost my “anchor” in life, my purpose, my confidant, my very best friend – my beautiful mother Anne Sulyma passed away. She was my world and I will never be the same.

My mother became a resident at Schlegel Village Humber Heights LTC facility on June 25, 2018. It was heartbreaking when we had to put her in a nursing home as she had asked me to promise her that she would never have to go to one and although I told her I might not be able to keep this promise to her that if she ever had to go into one – it would indeed be the best – my brother and I would make certain of that. It was a very sad day for all of us when we had to put her in the car and take her to Humber Heights and initially she did not want to be there but over a little time, we convinced her that she was in a good place and the administrative staff and nurses convinced her and us that they would look after her like she was “one of their own”. They assured us that she would be very well protected and always kept safe. They outright lied. Within the two years she was there we had numerous complaints which were addressed over and over but to no avail. They always told us what they thought we wanted to hear but there was never any follow up. We voiced the term “negligence” on many occasions and letters were sent to Mr. Jamie Schlegel – CEO and President of Schlegel Villages – not even receiving the courtesy of a response. However, as we were still able to come into the nursing home, my brother and I continued to make every effort to maintain that she was fed foods she would eat, bathed, changed and had the comforts she so deserved.

Humber Heights failed her. This all ended in March 2020 when they went into lockdown because of the pandemic. We later learned that Schlegel Village Humber Heights knew about COVID-19 at the beginning of January 2020 but did absolutely nothing to prepare their staff nor the residents for what was to come in a very short period of time – death sentences for those who could do nothing for themselves. As family we were left helpless and at times, for many, completely hopeless. The staff had very poor PPE (personal protective equipment) provided, were barely educated as to how to deal with the residents throughout this lockdown and were left frightened to go into the resident’s rooms. My mother often told me by phone that only occasionally did staff wear any masks or gloves when entering her room. She even asked them about it but was never given any answer. The floor my mother was on had the worst cases of deaths and COVID in the LTC side. The retirement side was horrendously hit with the virus and many died. Because my mother was quite cognitive and could still speak to us on the phone she would voice to me over and over again that she was not getting fed, she was left in soiled clothes, cold and wet and even though she rang her call-bell – no one came. Throughout her stay she had 4 documented cases of pneumonia. I called **EVERY SINGLE DAY** to the nursing home to make sure that she was getting fed and they said she received her tray. What they failed to say was that no one purposefully came in to feed her even knowing she could no longer feed herself. How could these staff members go home at night, eat a hot meal, take a shower knowing full well what they had left behind? Where was the compassion but even more so where was their conscience?

My mother did not die from COVID but instead, she died senselessly from starvation and neglect. She had no mental stimulus from staff as they were afraid to go into her room and staffing was extremely

limited, leaving her isolated and to completely fend for herself which she could not do as she was no longer mobile. On the evening her first great-granddaughter was born (April 23), my mother was rushed to the hospital from what was claimed to be hypoxia and the doctor said she would die. She never came out again. She never touched food again. She died shortly thereafter at the hospital.

It is imperative that there be justice and accountability for all of these people, including my mother, who did not have to die this way. Schlegel Village Humber Heights not only had a legal obligation to keep the residents safe and protected, but they had a moral obligation. Each resident within this LTC facility deserved to go out of this world with dignity and respect – within their lifetime they earned it. Instead they were cast aside and ignored like they were garbage thrown out to the curb. If there was not even protection for the staff, how was there ever to be proper protection for the residents? We are learning more and more everyday that these private long term care facilities only care about lining their own pockets and they don't care what happens inside these facilities – no matter how many times you approach them. The Government **must STOP** these long term care nursing homes from ever doing this again in the future. We will all get older and the majority of us will require the use of these facilities and it must be mandated by the Government that we are all going to have somewhere to go that will look after us, protect and keep us safe when we are no longer capable to doing this for ourselves. When there is a crisis and know people can die – they must be obligated to take every precautionary means to look after these individuals – keep them safe using all they have within their powers. Schlegel Village Humber Heights LTC facility failed drastically to do this. This facility blamed the Government and the Ministry of Health did nothing before it was too late for so many.

Please, I beg of you, don't let all of these lives that have been lost be in vain and have died needlessly suffer even more indignation and disrespect by our Government allowing this to continue. The families who have been left behind and who will have an empty chair at the holidays are fighting to try and make some sense of all of this – but instead we only feel abandoned by our Government and guilty because we could nothing about any of this. I love my mother with all of my heart and all the money in the world will never make up for this loss but it is my obligation and responsibility to her – as it is YOURS – that we look after those that are forthcoming into these facilities. Remember, it could be you or yours next. You have the means to stop these type of atrocities – step up and do something about it! End these privately funded nursing homes from ever allowing this to happen again.

Sincerely,

Patricia Korchuk – Daughter

Submission to Standing Committee Bill 218

Legislative Assembly of Ontario

November 1st, 2020

Angelique Christopoulos, Wife, Mother, Grand Mother, passed away at the Village of Erin Meadows LTC facility in the city of Mississauga ON. from contraction of Covid-19.

The Philosophy of Resident Care according to the Village of Erin Meadows Resident handbook states that they are committed to providing the best health care possible for the safety and well-being of each Resident. and that each Resident has the right to live in a safe and clean environment. They failed to follow their own directive. They (VofEM) were negligent in protecting our loved ones. They failed the Residents, they failed the families, our loved ones died as a result.

On January 30th, 2020, the WHO declared the coronavirus was a "public health emergency of international concern". The Village of Erin Meadows failed to act quickly enough to this information, to ensure that our loved ones were safe from Covid-19, they failed to follow provincial directives to prevent the spread of the virus and to provide their employees and residents with proper PPE.

At the beginning of April 2020, my Mother tested negative for coronavirus. I was very thankful for this news and so began my questions to the home. Each question that I posed to the home was only answered back with a phone call never an email response back. Nothing was ever answered in writing.

On Sunday May 3rd, I received a call from the Resident Doctor informing me that my Mother is starting to show signs of infection similar to other residents already infected. A second test performed on May the 5th brings a positive test result.

I asked questions, many, many questions. Will my Mother be tested again? Is so, when and how often will all the Residents be tested. I was told, only those showing signs of Covid would be retested. What about visitors and contractors entering the building, we're they being tested or screened, I never received an answer to this question at the time.

What about the staff, did the Village of Erin Meadows ever discover which associate brought the virus into the home? The virus was first detected on the first floor of the home. They could not contain the virus which then spread quickly to the third floor. Both residents and staff became infected, 21 residents eventually died from corona. Did they look to find out where this associate worked, what was the connecting factor? Was this associate working at another facility that perhaps was already infected? No answers were given. This goes to show that they (VofEM) were negligent in ensuring that their staff were virus free to take care of our loved ones.

During my face time calls with my Mother I asked how often she was receiving her baths and was told that they were still being given twice weekly, however it was very evident that this was not the case as Mom's hair looked extremely dirty and stringy. She looked quite disheveled.

I asked whether I could provide some cloth masks for my Mother to wear, I was told not to bother as they were not necessary and that she would probably remove them from her face just as quickly as they were put on her. We know so very differently now, that masks help to stop the spread. The nursing

home daily update continues to state that they provide masks for all residents to wear, this couldn't be farther from the truth. I brought this to the attention of the Neighborhood coordinator who said that she would address this at their next meeting to have this statement removed from the newsletter, it still states that masks are provided for residents, this is a lie.

I inquired about starting Mom on Hydrochloraquin but was told that my Mom stopped eating and drinking anything so this wasn't possible. I was concerned about dehydration and how was she receiving her medications for her blood pressure, My Mother struggled with dementia and had a mobility problem, issues that were not relevant to covid. She had no respiratory issues and no heart issues. The only meds that she took were for blood pressure and some vitamins. I sought a second opinion from a medical professional, I trusted his word and he guided me in suggesting certain treatment options for Mom that I passed onto the nursing home doctor. We started Mother on a new course of treatment that showed remarkable improvement in lowering her blood pressure as it was skyrocketing due to the lack of medication that she was no longer swallowing. As I was tracking her vitals daily, we on the outside world were, increasing our daily intake of vitamins as suggested by our Minister of Health. I personally suggested that Mom be given liquid vitamins, the nursing home doctor commended me on this. Why wasn't the nursing home being more proactive with treatment for my Mother, why did I have to look for alternative treatment and provide suggestions for her health? My Mom started to improve, even the nursing home doctor stated that she felt that my Mom was going to pull thru.

We always took my Mother's health and the health of other residents in the nursing home very seriously, being mindful of not visiting when we were not feeling well ourselves so as to not spread our germs with residents who have a weakened immune system. We were shocked to discover that the nursing home could not administer an I.V. to keep my Mother hydrated, this could only be done in a hospital. Yet the nursing home sent all families a letter basically stating that Covid had now become a reality in the home, there is no cure for it, there is no need to move your loved one to a hospital as it may very well prove to be useless and to basically prepare ourselves for the end. Why would this be an issue as health care is their mandate. Why can't doctors in nursing homes provide more treatment for residents? The Government needs to address this issue.

When the end was near, we were told to say our final goodbye, as my Mother's health took a turn for the worse. We could not and did not enter to say goodbye in person. We were told by a regular staff member that many families chose not to enter the home as they feared for their own safety as the contagious virus was running rampant thru the home. It was a heartbreaking goodbye over the internet.

I lost my Mother 10 days later from Covid-19. She died on May 13th, just shortly after Mother's Day. I will always have a part of my heart that is missing, as will my children who lost their Grand Mother. I put my Mother's life and health in your hands to keep her safe, you failed, she died.

Do I consider the Village of Erin Meadows grossly negligent in the death of my Mother, yes, I do, emphatically? I already knew that they were negligent in her care 9 months prior to the outbreak of Covid-19. The matter involved a case where my Mother was found to be improperly dressed or undressed as the matter was. Peel Regional Police were called into investigate the matter. My Mother was examined by the doctor and it was determined that she wasn't attacked. I had previously signed documents indicating that my Mom was to be attended to only by female PSW's. Through failure to communicate this information in addition to lack of proper training for staff, a male PSW was sent in to

deal with my Mother and who ultimately ended up leaving her half naked. This young man was set up for failure by his team leaders. There were other incidents during the 5 years that my Mother lived at the Village of Erin Meadows. I was at one point asked to call the office with any concerns or complaints about my Mother's care at the Village rather than send an email. I was told that if my concerns were in writing, it would ultimately have to be sent to the Ministry to be reviewed and that the home would rather deal with issues in-house. This didn't ease my mind; it only led me to review all previous medical and non-medical issues with my Mother. I wonder how long have they been sweeping issues under the rug? What else have they covered up? We need the civil lawsuits for negligence to continue so that there will be accountability and responsibility for what occurred. The Ontario Legislature should not pass legislation which would immunize the negligent conduct of the long term care industry.

Respectfully,

Yvonne Nikalaidis

November 2, 2020

I am the son of Eillen Walford, a resident inside the WORST hit Nursing Home of COVID-19 in the Province of Ontario, Orchard Villa in Pickering. My mother has suffered excruciating and irreparable mental damage because the home she is in did not take the virus seriously, because the corporation (group) running the homes failed to provide necessary safety measures to ensure the safety of staff and the vulnerable residences in their care. The negligence has caused her long to harm and suffering for myself and her grandchildren. Like a parent of a minor that was not able to provide the necessities of life. Like a parent leaving a child unattended causing death or injury. The Provincial Government should be ashamed of their actions when it comes to this Bill. My faith and her Grand kids faith in government will be completely eroded if this is allowed to pass. In closing if it was your mom that was subjected to such cruel and inhuman conditions would you want this Bill to pass....think long and hard about this, remember YOU the Ontario Government had to call in the Canadian Military to clean up the mess left from the Corporation (Group) called Orchard Villa

I miss being able to take mom out. Our entire family and extended family, we all miss being able to see her.

Please, if you pass this Bill, then no one will be accountable and it will set a precedent for other "businesses" to get away with murder. By allowing accountability, you are allowing those who made mistakes to rectify them and change for the better of future populations that will require care.

Regards,
Geoff Walford

Members of the Committee.

I am the widower of Betty Jane Tierney, a 78 year old woman and a former fifteen year resident of Orchard Villa LTC in Pickering. My wife died in the Covid Ward at the Ajax-Pickering Hospital on May 5th, 2020. She had been sent there in the late evening of April 22nd, 2020 with a severe Urinary Tract infection. Despite testing negative for Covid at Orchard Villa, the sending doctor at the Home was convinced she was Covid positive. The admitting diagnosis was that she had sepsis probably resulting from the UTI; was severely dehydrated; had extremely high sodium levels; and was in and out of consciousness. After spending the night in the Emergency she was moved the following day to the Covid Ward. Again she tested negative for Covid 19 but remained in the Covid Ward. I queried this and tried to get a satisfactory answer over the telephone with hospital staff but to no avail.

At the end of that week, the attending doctor called me and asked if I had made final arrangements and that I should be prepared for the worst. I was stunned and replied in the negative. After a brief rally over that weekend and the start of the following week, Betty's condition began to decline. By May 1st. she had increased difficulty breathing and had developed pneumonia. Despite being on nasal oxygen, her oxygen intake was gradually declining. When I was finally allowed in to see her, three days before she died, her oxygen intake was in the low eighties and steadily decreasing.

My wife was diagnosed with the progressive form of MS in 1991 and entered Orchard Villa, then Pickering LTC Home in 2005. Despite her disease, she was a healthy, friendly and had a good positive attitude. I never heard her once complain about her lot in life or indeed about anything. In the fifteen years she was there I visited her almost daily. I often took her out. We ate at local restaurants, attended local functions and family gatherings, until recently had season tickets to the TSO and I often brought her home. I monitored and looked after a large part of her care.

On March 14th. 2020, when the Home went on lock down and visitations were stopped, my wife had no major health issues other than those related to her recently diagnosed diabetes, which was under control and the physical incapacity related to her MS. During the ensuing weeks her health deteriorated dramatically and I attribute this decline to incompetence and negligence on the part of the Administration to provide proper care. Regular PSW's were not showing up for work; charge nurses were working double shifts and having to make up for staffing shortfalls; Agency help was brought in when the Home could get them. Workers were unfamiliar with the residents, their needs and routines.

Betty's routine was totally disrupted. Instead of getting her up at 8a.m. , she was frequently left in bed until 9:30 or later. Meds that were supposed to be given at 8 a.m. often weren't dispensed until 9:30 or later. I know this because I called her most mornings on the voice activated telephone in her room. I stayed on line with her until someone arrived. During these times the

unusual quietness outside her room was punctuated by voices from up the hall crying for help, (in normal times you would hear voices and the movement of people and carts outside her door). The eventual arrival of the PSW provided an opportunity to ask questions regarding staffing and the state of things within the Home. (It was almost impossible to try to get info about what was happening by phone. They set up a hot line but it relied on leaving a message and hoping someone would call you back. It didn't work well.) The PSW would tell me that they were short staffed, generally the reason for the late arrival, and often that they were down to two people to look after the whole unit. The PSW assigned to my wife was relatively new to the floor and not my wife's regular worker. One morning I noticed that my wife was slurring and not as lucid as usual. I mentioned this to the PSW and her response was, "oh, she's just tired". Since I had experienced this before I immediately contacted the DOC (surprisingly got right through) and asked her to go to the unit and check her blood sugar. It was 17, at least 8 points higher than her regular readings. Interestingly, in the report I got from the hospital, it reported the incident from Orchard Villa and the reading in the document from the Home was 12, not true.

I know that on one day, I believe Easter Sunday, Betty was in bed the whole day. They did not get her up. The reason I was given was that regulations required two people to handle the lift and there was only one staff member. I suspect this happened more than once. Is it any wonder she developed a UTI?

Occasionally, I was able to speak to the charge nurse who often worked double shifts. On one occasion he told me that he was so overwhelmed that he didn't know whether he was coming or going. That's how chaotic it was.

I believe that the Administration was negligent and that that negligence led to my wife's deterioration and ultimately her death. They should have had a competent plan to deal with such outbreaks. They should have been more prepared in terms of proper equipment and protocols and should have appealed to the government for assistance sooner. Interestingly the military arrived the day after my wife was sent to the hospital.

As a result of this incompetence and negligence, I lost the most precious person in my life. We were looking forward to and would have celebrated our 48th wedding anniversary this past July 1st.

If you pass this Bill, you are freeing Orchard Villa from any accountability for the deaths of the 70 or more people who died there and you are sending the message that it's o.k. to flaunt the rules because you can get away with it. Is that the message you wish to send? I pray it isn't. So on behalf of all those who died, their families, my wife, our three daughters and nine grandchildren, please do the right thing, Reject this Bill and allow justice to take place.

Don Tierney

I never would have thought when I walked into the Village of Erin Meadows one and a half years ago that my life would pivot even more than it already has with my mom's sad diagnoses a few years ago and become so focused on long term care advocacy. The pandemic of 2020 has really opened our eyes of the conditions of "for profit" long term care due to social media. People sharing stories and pictures. The army reporting back to the federal government what they saw in these homes. We all know someone that has voiced scary visuals through words on the conditions and situation of their loved ones. I have learnt that pretty couches and new bricks are deceiving. Hi, my name is Katharine and I am 52 years. I have been a fiscal conservative since the age of 20, here I am now not sure where I will place my next vote as long term care has taken top list for the provincial elections.

All of us here understand that covid-19 is a serious virus that gravely impacts those most at risk. It is our responsibility as humans to do the right thing. And the right thing is holding those accountable of the spread of covid 19. A spread that could have mostly been contained with proper measures.

These words I am writing are first hand what I have experienced and what I have seen firsthand seen in "for profit" long term care facilities.

Residents crying for hours - I would often take a break from my mom to hold the hand of another person's mom or dad

Humans left in soiled diapers unable to fend for themselves - I would often leave my mom in the common community area to notify an over worked personal support worker of the soiled diaper of a resident, these steps were taken if it was over 30 mins. The definition of neglect is less than thirty mins.

Residents asking for someone to talk to, simply someone to engage with. Pre covid tea parties were held by me in the dining area. I would randomly pull in residents that just wanted company even if they couldn't speak for themselves. It was about inclusion. Sadly, many of them have died during this pandemic. They died alone in these for profit homes, with no family to hold their hand.

Pause

Personal Support Staff exhausted from being over worked and under paid as they have multiple part time jobs to be able to provide for their families. Neglecting their own families to pay rent. One PSW I often to spoke had never been to her son's soccer game as she worked 3 jobs. Imagine that - never seeing your child excelling in something that was important to them. Or going to the schools even to talk about your child because you simply could not risk losing out on pay. Pay equates to food for your child.

Personal Support Staff crying in their - cars over worked, exhausted on their short lunch or dinner break. Exhaustion of watching people die alone.

On July 28, 1930 Margaret Irene Anna Koleff was brought into this world. Born and raised in the outskirts of Rosedale Toronto. She had two parents, and 4 siblings. She married, and adopted 3 children. I am one of those children. So why is that important for me to say? Well it's important because you need to know that these at risk humans in our for profit long term facilities have names and had lives prior to moving into these understaffed for profit care facilities. My mom is lucky, she was someone to fight for her ----- many don't. I.. we that are protesting, fighting and educating the system need to be their voice.

Residents left unable to feed themselves as there is only one PSW to feed 8 people from 5 till 6 p.m.

Residents left at a table with food all over their faces when they try to feed themselves for an hour with no one to provide them the dignity of even just whipping their faces... thirsty and hungry...

Margaret is in final stages Alzheimer's/Dementia. She is confined to a chair as she can no longer walk. Oh I could tell you stories about how much she liked to dance to Elvis Presley but I only have a few moments of your time. And these moments are precious just as my moments with mom are. She is unable to unbend her arms or legs as Botox injections were stopped during the pandemic, as outside md doctors were no longer allowed inside. A simple injection that gave relief to a woman was stopped.

Mid-April on a zoom call that mostly involved me singing "You are my sunshine" my mom started crying that she was in pain (her arm was stuck and unable to put it in a comfortable position) and that she was thirsty. Forty five mins of crying and me trying to call to the home that she needed assistance. I was bounced around and ignored just as she was in her room. It took the home six months to apologize to my family for that neglect. It was neglect and abuse.

My mom at the age of 90 thinks of herself in the terms of being about 6 years old. For 5 months, my mom mostly confined to her room and her chair, left alone and unable to pick up a glass of water on her own. Unable to feed herself, unable to bath herself, unable to go to the bathroom alone, and in most cases her door closed. In her mind, she was a 6 year old child abandoned, no hugs, no kisses, and no company. Essentially her "mommy" had abandoned her.

Tell me - is anyone here willing to lock up a child like this? No, I don't think so, it's considered neglect and abuse. So my ask is .. Why do we continue to let this happen in the for profit long term care facilities? This wide spread infection of covid 19 happened because of blatantly pulling profit before care.

Under paid staff

Full time employment not offered

People forced to work two to three jobs at various homes to survive.

Cross contamination to for profit homes.

Massive decline in residents as they were left alone for months.

People died alone .. due to their errors and poor judgement.

Katharine Borczak

647 643 2266

Daughter of Margaret Borczak – resident of Erin Meadows Mississauga Ontario

November 2, 2020

Reference: Tina Ernest #12641

To whom it may concern,

My name is Ray Kruszynski, the son-in-law of the late Tina Ernest who passed away April 26, 2020. I was designated as the Power of Attorney for Property and now the Executor and Trustee for her estate. I represent her two daughters and two grandchildren, beneficiaries of Tina's estate.

I have known Tina since 1967 and have never met a more loving and kind human being as her. Surviving the Japanese occupation of Indonesia and immigrating to Canada with her husband and children in 1952, she forged a life through hard work and perseverance. She suffered the loss of her youngest child from cancer and her husband from COPD. She eventually needed total care. Erin Meadows seemed convenient and affordable and what we believed at the time would meet our needs for Tina's care.

What shocked us was the home's response to the Covid attack on the facilities. We questioned why care givers were being rotated to other facilities, spreading the virus. The home continued to allow residents to wander the halls and enter other rooms without restrictions. We feel these actions cheated Tina out of more time with her loved ones. She was a vibrant, engaging person until she contracted the virus that prematurely caused her passing. Her daughters kept vigils through the night outside her window until the virus took her life. Every minute was precious to her loved ones who still miss their mother so dearly. We are convinced that the incompetence and lack of preparedness of the home to manage the virus was directly responsible for Tina's premature death.

I personally have a family member in another facility, and they have been able to prevent any infection of the facility since the outset. Erin Meadows could have had the same result if they were not negligent in their duties. Their priority was the care of their residents and they failed to do that.

Respectfully

Ray Kruszynski
416 524 0730

November 3, 2020

My name is Michael Dillon and I am the son of Nellie Dillon who resided at Orchard Villa in Pickering for 3 and 1/2 years after being diagnosed with dementia. From the moment my mother was admitted to this long term care home I noticed a lackadaisical attitude on the part of the staff towards the residents, and maintenance of the facility. First it was her bed that gave her skin tears and bruising on her legs from the two sharp edged square poles protruding from the bottom of the bed. I told the staff to cover up these unsafe objects and after a month of many more bruises and skin tears I finally realized that the bed was missing the wooden plate barrier that was designed to stop this occurrence from happening, which I had insisted the maintenance man then replace. Residents would come and go, and leaking walls and ceilings were patched and painted, but always as a bandaied solution instead of fixing the source. For the last two months of my mothers stay at Orchard Villa her bathroom faucet would continuously run, unable to be turned off. After requesting the problem to be fixed several times, near the end of her stay water was leaking all over the floor in a puddle but still not being fixed.

When Nellie's gout acted up from the summer heat causing her legs to swell up I had to inform the staff to inform the doctor after noticing how tight her socks had become cutting off the circulation in her legs. At one point when my mother was always sleeping all the time the nurse let it slip that it was the happy pills, which I was unaware of as she was already taking another sedative twice a day to go along with the three happy pills a day that they were giving her. This was the kind of tactic used to make their job easier at the expense of the residents health and safety. I told the nurse to immediately stop giving my mother those happy pills as she could barely walk from the effect of this so called medicine. When I spoke to the doctor about the incident his words to me were "I don't know how this information got under my radar". Nellie's care was coming from my observations during my weekly visits as the staff did not seem to care, but what about those patients who did not receive any visitors?

It seemed to me like the management would rather mask a problem to save some money rather than to repair, or correct a bad situation. It is easy to understand how this kind of unfit administration could escalate into the disaster that it became during a pandemic whereby the army had to be sent in to save these unfortunate victims. By this time my mother had already died. Unfortunately for my mother during her third mini-seizure in as many years Nellie had a fall and received a head injury causing a brain bleed. As her health was beginning to improve the Ajax hospital released my mother back into the care of Orchard Villa. A few days later Nellie was re-admitted back to the hospital with organ failure and difficulty in breathing as she had pneumonia in one lung. The hospital did not tell me if she had covid or if she was even tested for it, but it sure sounds to me like that is what my mother had in the end. Nellie Dillon died at the Ajax hospital on March 16, 2020, and the coroner ruled it as an accidental death, and not as one of natural causes. At least I was able to be there at the hospital with my mother as she struggled for every last breath at the time of her passing.

It is my conclusion that Orchard Villa should, and needs to be held accountable for its lack of care and commitment towards the residents which this healthcare facility was supposed to be responsible for. Furthermore, that some new rules and regulations be adopted into these institutions so that another disaster of such grande proportions never be allowed to occur again to these residents and their family members. Please do not allow Bill 218 to pass as it may create future problems for the safety and maintenance of our healthcare system if it is left up to it's own accountability, and not held responsible for its level of competence. My 89 year old mother did not deserve to leave this world in such an unfit, unkind, and unnatural manner. When making your final decision I ask that you consider how this scenario might have impressed you had Nellie have been your mother?

Michael Dillon
michaeldillonmusic@yahoo.com
(905)426-4090

November 3, 2020

I am the daughter of Barbara Elliott, deceased resident of the Village of Erin Meadows. My mother passed away in July, not from Covid, but following an incident that occurred while in the exclusive care of this facility. My mother moved to Village of Erin Meadows in May of 2019 with the promise of expert and attentive care. The Covid pandemic brought inadequacies of care by this facility to the forefront, but this establishment was fraught with problems long before Covid. Resident neglect, behaviour management issues, lack of resident hygiene, lack of adequate infection control protocols, staff without appropriate training, food service workers and housekeepers without proper understanding of sanitation protocols, grossly insufficient numbers of staff and staff not familiar with resident care plans.

Between mid March and April, following initial Ministry lockdowns and suspension of caregivers such as myself to the facility, my mother experienced despicable neglect. Broken teeth, an infection requiring antibiotics, clothing sent home soiled with feces and most disturbingly, was the critical lack of supervision that resulted in my mother being sexually assaulted - an incident that required police intervention. This facility failed to exercise duty of care in protecting my mother and keeping her safe. The last and final act of negligence was a fatal incident that resulted in my mother suffering a broken pelvis and broken wrist. She spent the remaining 8 weeks of her life in the hospital, alone and in isolation, since I was not permitted to go there until the final 2 days before her death. I can't help thinking about the feelings of hopelessness and abandonment she must have experienced. These feelings will haunt me for the rest of my life. The loss of my mother has been a tremendous one to bear.

My mother was an intelligent, loving caring person who dedicated her life's work to helping vulnerable children (PTSB, Special Services, Psychology). She was a good friend, a loving mother, grandmother and outstanding citizen having made many valuable and meaningful contributions to society. What happened to my mother in the final 8 weeks of her life is deplorable. There should never be another person on the face of this earth that should have to suffer the atrocities of neglect of duty of care that my mother did. It is appalling to think that the government would be even consider developing any such legislation that would protect institutions such as this and absolve them from accountability for what are nothing short of crimes against humanity. This facility had a duty of care to my mother and they failed to exercise it. There are no excuses. There is no try your best. These facilities are in the very lucrative business of providing health care to individuals, and at a great cost to individuals, I might add. These are our most vulnerable of society, residents who can't speak for themselves, who can't act for themselves. This facility exercised a purposeful disregard for resident safety, which goes against any principal definition of health preservation and promotion.

Inexperienced, untrained, uneducated staff were vectors for transmission of Coronavirus into these facilities where innocent people laid in wait to face neglect and lonely deaths. It is astonishing to me that the government is rescinding on promises to make these facilities accountable for their actions. It is not Ok to inhibit the ability of citizens to pursue justice in this Country. Taking away our rights as citizens accomplishes nothing more than to give carte blanche to institutions to continue doing the wrongful acts they are doing. What we need to do is focus on the promotion of positive change. If you want to focus on protection, then implement policies and legislation that protects our elderly, not bureaucrats. Define care perimeters to ensure adequacy of provisions of care and stiff penalties for breaches. My mother's life was meaningful. Please don't let her death or anyone else's be in vain.

Negligence Points

The facility states they were following Ministry mandates, which is nothing short of a lie. If they were following mandates, then my mother would not have been among the residents who were gathered together by staff in a small room when this fatal incident happened to her, while residents were supposed to be distancing from one another. This is nothing short of a blatant disregard for resident safety. Residents continued to gather and eat in the congregate dining room even after management informed family members by memo to the contrary, that residents would be taking meals in the hallways of their individual rooms so as to allow for separation of residents. They did not do it because they did not have the staff necessary to orchestrate or supervise this. Residents on my mothers floor were still being permitted visitors from other floors in the facility, which posed a grave risk of harm to residents like my mother. Since residents such as my mother were not permitted to leave the facility, the vectors for the transmission of illness into the facility were staff members who had absolutely no proficient knowledge of infection control, going from resident to resident and out to lunch and back donning the same PPE. Ratios of staff members to residents was entirely underfunded. On my mothers floor, there were only ever 2 PSW's for 30 very high needs residents. 1 med certified PSW ran around with a cart administering resident medication. When Covid hit the home, many staff left their posts, opting to work elsewhere. The procurement of staff trained in effective management of high needs residents consistently left residents without attentive care or supervision and yet the facility kept taking in more residents, unable to deal with the ones they already had.

Kathy Skakun

November 3, 2020

Dear Members of the committee ,

My name is Sarah Bateman, I am the daughter of John Bateman who resides at The village of Erin Meadows in Mississauga. My father was Placed in the LTC for on December 30th 2019 when his Cerebral palsy became to much for my mother (his wife) to handle at home.

My dad is the oldest living person in North America who has Cerebral Palsy, that right there makes him a hero all on its own.

In the start of March 2020 my father was rushed to a Credit Valley Hospital due to a severe UTI that became septic due to staff not being attentive . While at the hospital, my father was tested for Covid as a result his back negative . Due to my dad's negative result he was able to return to the LTC after his treatment for the UTI . Meanwhile back at the centre all the residents were tested for Covid . A week later we got devastating devastating phone call saying that my father has tested positive for Covid. We got the phone call on Sunday and on the Tuesday me and my mother made the decision just sent him to the hospital as he was not getting the proper care at the centre . My father's roommate was not doing so well himself so that they both my father and his roommate were rushed to hospital . Only my father returned to the centre that night , as his roommate passed.

Later that evening we had found out that my father's roommate had tested positive for Covid while my father was in the hospital with a UTI the first time , The centre knowingly put my father back in his room with a positive patient . They knew my father was tested at the hospital , they knew my fathers result had come back negative, hey still put him back in the room knowing very well that my father would most likely contact the virus as well as having C.P and a lung illness.

A few days after my dad had returned to the centre he got worse , we thought about sending him back to the hospital. But was advised if we that's so and he was admitted that he will no longer be welcomed in the centre due to him being positive for Covid. My family was stuck in between a rock and a hard place. They would leave him in his room not coming to help or care for him . I pretty much left my father to die. My father what cry and yell for help and no one would come. We Started getting phone calls saying he would not eat or drink. My dad would call my mom constantly saying that he needed help. And that it hurt so much. No one would come in to change him or bath him let alone check on him. It is believed that my dad has developed some PTSD throughout his experience with Covid due to the lack of care in the centre.

They had stickers on doors of the patients rooms that where Covid positive, They stickers read "do not enter".....

there is no physical physician on site at any one time, The physician that who is in charge of the centres residence where is through FaceTime on an iPad.

Never once was there a real physician on the property . My father was the only resident on his floor that survived Covid . However you're not gonna find the data anywhere clear the fact that the same chair was not telling the media and public health everything.

The centre kept many things a secret due to the fact that they did not want to be classified as a failed centre . However they did fail , They failed my father and my family . They also shared many other family members and residences.

A week after my dad had tested positive for Covid he was placed on the palliative list Which allowed my mother and myself to go in.

My father is alive today because of the help from my mother. My mother is a stage four oncology patient and she put her health on the line to make my dad comfortable and gain his strength. Because nobody at the centre was doing that . My mom was going every day all day and bring him protein shakes and water, Soft foods like pudding and yoghurt. She is the only reason that he survived Covid.

My father today has PTSD due to his experience with Covid and the way he was treated in the centre as well as he has onset dementia which we believe was due to the fact of going septic with his UTI.

Since my father has had Covid the centre has been in outbreak status 8 Different times.

My father has not seen my older sister who is in a community living-based group home in well over eight months, he has not seen my two boys his two grandchildren in eight months.

I was reading an article earlier this week about residence in the LTC community and it says that prisoners in Ontario are treated better than people in LTC care. And as sad as it is , it's true . But right now we have a chance you have a chance to make it better.

I'm begging you please reject this bill And let the families have justice for the heartbreak and pain and suffering and loss that they have a counted during this pandemic . Some of the things I have seen with my own eyes are totally not humane . These people did not act in good intentions these people did not act in good faith. You don't let murderers walk away , so why would you let this

Putting my dad back into a room with a Covid positive patient knowing fully Well that he would get the virus doesn't take a scientist to see that, that is murder.

God bless you all and I hope that The committee does right with the long term care community. rejecting the bill make sure that your loved ones or yourself don't have to go through this pain when the time comes that you need the LTC.

Sarah Bateman
6475337147

November 3, 2020

Dear Members of the Committee:

I am writing on behalf of my mother, Angela Skrilec, and of her children, grandchildren and great grandchildren. Please allow me the opportunity of telling you about our Mom, and her last 2 months of life.

Mom resided in Orchard Villa and was as content as could be for someone living out her final years, in her private room in Cedar Unit, surrounded by her belongings. Angela was very fortunate to have a quality of life most LTC residents did not. She was quite independent, semi-mobile, mentally competent, could feed, fend, communicate and advocate for herself. She had an amazing memory, acknowledging every family members' birthday or anniversary with a card. She moved about the facility freely, getting herself to activities. Before our father passed away in March 2018, he visited her every day and took her home occasionally. She enjoyed several hours a week visits from her family, usually spent playing games. Angela left the facility often to go on personal needs shopping trips with her children, and enjoyed attending all family functions and holiday celebrations. On Saturday, March 7, our family celebrated her 96th birthday taking her out for lunch to the Ajax Casino, followed by 2 hours of slots. Mom loved it and every year always chose to go there for her birthday.

On Saturday, March 14, our world changed - lockdown in all LTC facilities! Now visits to Mom were by phone and window. Fear set in! But the Covid outbreak was in the main hub of the facility, far, far from Cedar Unit - with several locked doors separating them ... surely Angela would be safe!!! Over the next few weeks there's no communications from OV/SC and Mom starts to complain about the declining quality of food. In mid-April, we find out that they are STILL sending residents to the dining room for meals. Then OV implements a daily phone message system, advising of the numbers of infections in the whole facility - no other details. But we needed to know what was happening in Cedar Unit and can't get any answers. During one phone call Mom says to me "people are dying in here". Then the phone message system changes, now specific to the resident's unit. The last call received was on or about April 20 - there are now 4 infected residents in Cedar Unit! How and why is this virus spreading? Staff! Staff who the public has now learned, were being moved around from unit to unit, who were not provided with proper PPE, who were not properly trained in infection control. And now more fear sets in. Mom says, it's quiet, hardly anyone comes in to check on her. Our several phone calls to the nursing station and administration go unanswered. Our family discusses removing Mom from OV, but we could not reach anyone to discuss the feasibility of doing this. When able to reach staff, we were told that all was fine. They were not allowed to answer our question re cases in Cedar Unit - "you have to speak to administration" we were told - but again our calls to administration go unanswered. Now mom complains 'cold' meals are being brought to her late, her medication is not being dispensed with regularly, they are late coming to help her dress/undress and she's missing her showers. Mom is getting quite upset, agitated and depressed. She cannot comprehend this neglect and mistreatment. Now lump together all Mom's complaints and just imagine what was happening to those many residents who were bed-ridden and totally dependant on care! Heart wrenching!

OV has now caught the public's attention and more tragic stories of neglect surface. The media is reporting the high number of Covid deaths and we learn of OV/SC's poor inspection records in following public health guidelines - spanning 5 years! We learn OV/SC did not remedy recommendations which resulted in sub-standard care. But why were these infractions not FOLLOWED UP on by our Ministry of Health and ENFORCED? Had they been, maybe OV would have been better prepared to handle this crisis.

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OV/SC let the situation deteriorate to a critical level before seeking assistance from Lakeridge Health. Then military is brought in and our family experienced a small sense of relief that all would be better now, mom could stay there and be safe! She tells us there's lots of new people there, all suited up (interestingly, this is the first reference she has made to PPE and hazmat gear), and she tells us they are cleaning a lot. Mom's meals are now boxed sandwiches, which she many times throws in the garbage. She's increasingly getting more upset and agitated. Now the horrific military report becomes public news!

May 5, Mom calls to say she's not feeling well. May 6, Mom is sent to hospital with fever and elevated heart rate and is admitted. May 10, on Mothers Day, hospital doctor phones me to advise Mom has Covid, doubtful she will recover, allows us to come visit her. May 12, our mother, Angela, passes away. Our family mourns her loss and struggles with guilt that we unwittingly entrusted OV/SC to care for her and keep her safe. We are heartbroken that our Mom's last 2 months of life were so distressing. Mom was doing well, it was far from her time to go. Her death was a needless and avoidable loss.

We live in a society governed by laws and rules. If we follow them, there's no consequences, but if we don't there are. We have a legal system that allows us to advocate for our rights and beliefs and to make claims against others for wrong-doing. Even a person who 'accidentally' causes harm or death to an individual - in many cases suffers legal consequences.

Please refer to Explanatory Note, Schedule 1 to Bill 218, referring to Section 2 of the Ontario Recovery Act (definition of person in this case shall refer to Orchard Villa/Southbridge Care "OV/SC") - which Note reads:

"No cause of action arises against any person as a direct or indirect result of an individual being infected or exposed to Covid-19 as a direct or indirect result of an act or omission of the person if, (a) the person acted or made a good faith effort to act in accordance with, (i) public health guidance relating to Covid-19 that applied to the person; and (ii) any law that applied to the person; and (b) the act or omission of the person does not constitute gross negligence."

OV/SC failed in this Act's interpretation of "good faith effort" and "public health guidance". The evidence against OV/SC is clear - you are all well aware of the military report and the media accounts which have made this public. They continually ignored public health guidelines to remedy their practices in order to provide the best care possible to their residents. To have done this, would have a financial impact on their shareholders. The loss of life under their care has been substantial due to their negligence.

Please let your conscience guide you. By passing Bill 218 you are acknowledging that it is permissible for OV/SC (and other LTC facilities involved in actions) to break rules and not be punished or be held accountable for their wrong-doing. By demanding accountability, you will be the voice to implement change in order to make LTC living safe. We could all be there some day.

Please also ask yourself one question. "What if it was my parent who died of Covid in one of these facilities"?

Thank you for your consideration.

Annie Wyton,
On behalf of Angela Skrilec and her family