

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

ONTARIO HEALTH COALITION AND ADVOCACY CENTRE FOR THE ELDERLY

Applicants

- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO AS REPRESENTED BY THE  
ATTORNEY GENERAL OF ONTARIO, THE MINISTER OF HEALTH, and THE MINISTER  
OF LONG-TERM CARE

Respondents

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**AFFIDAVIT OF NORAH CHALONER  
(Affirmed April 27, 2023)**

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1. I, Norah Chaloner, of the City of Guelph in the Province of Ontario, Make Oath and Say as follows:
2. I am 83 years old, and have been married to my husband, Richard Chaloner for 62 years.
3. My husband Richard, who is now 89 years old, has suffered from creeping dementia for the last few years, but our quality of life together was good. We have lived in Guelph for 55 years and have a longstanding community involvement besides our careers, he in law and me in public health. Richard had a busy career that ended as Deputy Attorney General under Ian Scott and the McGuinty government some 32 years ago. He is a very social person and has a lovely personality still.

4. Because of his declining condition we had been receiving some support for the LHIN (now HCCSS) since November 2020, but in anticipation of Richard requiring more care than I could manage at home, in November 2021 we applied for his admission to three local long-term care homes in Guelph that we had knowledge of and were confident could provide for his care and well-being. Each had a significant wait list, but we needed Richard to be in Guelph since my eyesight precludes me from driving out of town.

5. On October 10, 2022, Richard had a stroke and was admitted to Guelph General Hospital. After he received many tests and treatment for the stroke, on October 17, 2022 he was transferred to St. Joseph's Health Centre Guelph, which provides rehabilitation care for stroke victims. One consequence of the stroke was that Richard lost the use of his legs. It was my belief that stroke rehab would continue for three months in case his mobility can be teased back, but I was advised a week or so after his admission to St. Joseph's that they could do no more for him, and he has been wheelchair dependent ever since. This has unfortunately made it impossible for me to manage his care at home.

6. Richard has been found to be incapable to make placement decisions with respect to his admission to a long-term care home. I am his substitute decision maker for the purpose of making such decisions.

7. In early November 2022, I was advised by Jennifer Sniulis, the placement coordinator for the LHIN at St Joseph's (now Home and Community Care Support Services - HCCSS) that Richard must be discharged from the hospital because the bed was needed for other patients. Because of the wait lists for the three local long-term care homes we had applied to were long,

Ms. Sniulis suggested that Richard be transferred to another local one, the Lapointe-Fisher long-term care home in Guelph which had a much shorter wait list.

8. I was familiar with Lapointe-Fisher home and had visited in 2016 while looking for a long-term care home that might be suitable for Richard's older sister who had Alzheimer's. The interior painted concrete block walls, gloomy grey bedrooms, the smell, wall pictures from magazine cut-outs hung at above 6 feet in the halls, and lack of activities all presented a bleak and cheerless place that we felt would have aggravated her dementia further. It was also so quiet. We saw no staff interacting with patients or each other. Because of this, I had no faith that this home could properly provide for Richard's care, let alone support his well-being, I refused to apply to have him transferred there.

9. With the help of my sons, I immediately began to search for other suitable homes for Richard. Ones that could properly care for him and that would allow me to visit and help care for him every day. Nevertheless, I began receiving daily directives from staff at St Joseph's that Richard needed to be discharged from the hospital, and that a home or homes would be chosen for him if we did not find one that would take him without delay.

10. While I was informed by Jennifer Sniulis that because of Richard's situation, he would now be placed on the "crisis" list for admission to long-term care home. Apparently, that status would be of no avail in facilitating a transfer to one of the three homes we had applied to, or to the long-term care home on the St. Joseph's campus that was also acceptable.

11. Instead, Jennifer urged us to consider homes located outside Guelph, and indicated that there were homes in Mount Forest that had beds. However, that would have meant travelling 67

kilometers north of Guelph and would have made visiting him there very difficult as I only drive very short distances within Guelph to buy groceries. I was told that my needs were not a consideration, but I cannot understand why Richard's needs for mental health, and visits by his partner and friends were apparently also of no concern.

12. I was also warned several times of the need for him to be discharged from St. Joseph's, and that I would be charged \$400/day if he was not moved to a long-term care home almost immediately. I remember going home and trying to work out whether at \$12,000 per month if we could possibly pay such charges for his care. There seemed to be no alternative but to agree to the prospect of having Richard transferred to a long-term home outside Guelph if a bed was offered to him. If we did not take it they would not be offering another one.

13. With the help of my sons, who live in Ottawa and Whitby, we continued to search for home that would meet Richard's needs including by being able to have regular visits from family and friends. We visited Riverside Glen, Eden House, and drove up to the old motel which is now a long-term care home in Cambridge. I was questioned daily by LHIN and/or hospital officials about what we had seen.

14. On November 7, 2022, my son came from Ottawa to visit Hilltop Manor in Guelph that we were advised had an available bed. Unfortunately, it was located 35 kms. away in Galt.

15. On November 10 and 11, my son David, Richard and I met with Jennifer Sniulis to fill out the paperwork required to seek admission to long-term care homes that we believed were capable of meeting Richard's needs. The application that I signed, and attached as **Exhibit "A"** specified the three homes in Guelph we were on the wait list for, and a fourth, the long-term care

facilities at St. Joseph's. Attached to our application was another made by HCCSS adding a fifth home, Hilltop Manor, in Galt, and specifying that it was not a home to which we had consented. That application was signed by Jennifer Sniulis and is attached as **Exhibit "B"**.

16. On November 21 and 22, I was advised that Richard had been admitted to Hilltop Manor, and that we should arrange to have him transported to that home. He was transferred to Hilltop Manor on November 22, 2022 and resides there until this day.

17. I was billed \$1147.14 by St. Joseph's. I have inquired about this payment and been advised that it did not include a \$400 daily charge, but have been given no further explanation to this day.

18. Unfortunately, because of the distance of the home from our community, he only rarely gets to see close friends who are also retired, near his age of 89 years and not able to travel to Galt. I believe they would be regular visitors if he resided in a long-term care home in Guelph, and that such visits would ease his anxiety and support his well-being.

19. I suffer from macular degeneration, and as noted, limit my driving to my immediate neighbourhood for grocery shopping. I am also unsteady on my feet and now use a walker.

20. I visit Richard almost everyday, and believe the visits are essential to his well-being and quality of life. Richard's advancing dementia has all but completely robbed him of his situational awareness and short-term memory. This explains why most of the time Richard believes he and I are still residing at home together. Because he no longer has the use of legs, he is very dependent on assistance for most of his basic care needs, and typically calls out to me for help

because he imagines that I am just in a neighbouring room. I have often been informed by staff at the long-term care home that because Richard suffers from acute anxiety, his shouting and calling for me can become incessant, and very loud. When this happens in the middle of night he is sedated, but such events can also happen during the day and I may find him too sedated when I arrive for a much of a visit. Staff also tell me that when I am able to keep up a regular schedule (uninterrupted by storms or COVID) and have longer visits, the result has a calming effect on Richard that can linger for some time.

21. Because there is no available public transit that would enable me to get to Hilltop Manor, I hire someone to drive me or rely on the good will of neighbours to drive me to and from the home. This has mostly limited my visits to two to three-hour sessions in the afternoons, but I would much rather spend the afternoons, dinnertime and early evenings with Richard as some other families are able to do. I believe Richard would benefit greatly from such extended visits.

22. I was repeatedly advised by Jennifer Sniulis and other HCCSS staff that his transfer to Hilltop Manor would be temporary as he waited for a bed in one the four Guelph homes we had applied to. However, I have had no calls from anyone at HCCSS but have had to call repeatedly for updates. To date, I have been given no assurance that Richard will be transferred to Guelph or when that might happen.

23. We never imagined being parted at this point in our 62 years of marriage. Our sons are wonderfully supportive but live in Whitby and Ottawa, so it is a challenge for them also to keep in touch with Richard.

24. I am sad that after a lifetime of public service he ends up with so little say in how he can live out his final chapter, and not be close to his community and friends who would drop in on their way to shop if he was in Guelph.

25. Having so few publicly supported care homes and care staff has its costs. And that cost is born by those most in need of care. This is a sad situation for our province.



26. I add a photo of Richard in September 2022, before his stroke, as he walked around the block chatting with neighbours and giving treats to dogs along the way.

27.

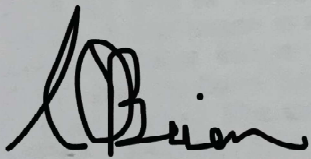




- 9 -

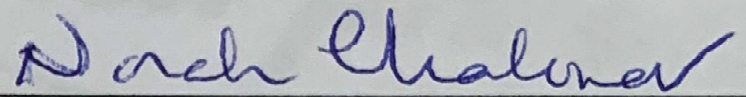
28. I affirm this affidavit in support of this Application and for no other or improper purpose

AFFIRMED BEFORE ME by Norah Chaloner  
of the City of Guelph, in the Province of  
Ontario on April 27, 2023 in accordance with O.  
Reg. 431/20 Administering Oath or Declaration  
Remotely.



*Commissioner for taking affidavits*

Amanda Marie O'Brien, a Commissioner etc.  
Province of Ontario, for Goldblatt  
Partners LLP, Barristers & Solicitors  
Expires November 15, 2024



**Norah Chaloner**

This is **Exhibit “A”** referred to in the Affidavit of **Norah Chaloner**, sworn this 27 day of April, 2023, in accordance with O. Reg 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, appearing to read 'A. O'Brien', is positioned above a horizontal line.

A Commissioner for taking Affidavits etc.*(or as may be)* (pursuant to O. Reg 431/20)

Amanda Marie O'Brien, a Commissioner etc.  
Province of Ontario, for Goldblatt  
Partners LLP, Barristers & Solicitors  
Expires November 15, 2024



## Facility Choice List

I, Richard Chaloner on behalf of myself  
Patient or Substitute Decision Maker Myself or Patient

I understand the Home and Community Care Support Services Waterloo Wellington (HCCSS) will collect all necessary personal and medical information to determine eligibility for admission to a long term care home, arrange for appropriate assessments, maintain this information on file, and subsequently disclose information to the long term care homes of my choice.

I acknowledge that I have been counselled about the reasons why this information is needed and I understand them. I understand the HCCSS will update this information and will share it with the referring agency and the long term care homes of my choice.

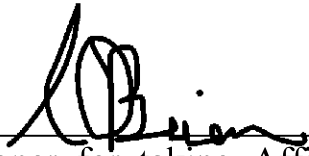
I understand that I may withdraw my consent at any time. I understand that if a bed offer is refused, the client's name is removed from all waiting lists and the client must wait 12 weeks before reapplying for LTC (unless a medical need assessment there is a significant change in the client's condition or situation).

Date: Nov 10/22 Signature: [Signature]  
Patient or Substitute Decision Maker  
Richard Chaloner

Please check ✓ up to 5 of the facilities below, check ✓ the order of preference (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>) and check ✓ the type of accommodation (basic, semi-private or private).

| Cambridge - North Dumfries                                       |  |   |   |
|--|--|---|---|
| <input type="checkbox"/> Cambridge Country Manor                 | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| <input type="checkbox"/> Fairview Mennonite Home                 | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Private  |
| <input type="checkbox"/> Golden Years Nursing Home               | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| <input type="checkbox"/> Hilltop Manor                           | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Private  |
| <input type="checkbox"/> Riverbend Place                         | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| <input type="checkbox"/> Saint Andrew's Terrace                  | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| <input type="checkbox"/> Saint Luke's Place                      | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| <input type="checkbox"/> Stirling Heights LTC Centre             | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Private  |
| Guelph - Puslinch  |  |   |   |
| <input checked="" type="checkbox"/> Eden House                   | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input checked="" type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select | <input checked="" type="checkbox"/> Basic | <input checked="" type="checkbox"/> Semi <input type="checkbox"/> Private |
| <input checked="" type="checkbox"/> The Elliott                  | <input type="checkbox"/> 1 <sup>st</sup> <input checked="" type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select | <input checked="" type="checkbox"/> Basic | <input checked="" type="checkbox"/> Private                               |
| <input type="checkbox"/> Lapointe-Fisher                         | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| <input checked="" type="checkbox"/> Riverside Glen               | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input checked="" type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select | <input checked="" type="checkbox"/> Basic | <input checked="" type="checkbox"/> Private                               |
| <input checked="" type="checkbox"/> St. Joseph's Health Centre   | <input checked="" type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select | <input checked="" type="checkbox"/> Basic | <input checked="" type="checkbox"/> Private                               |
| <input type="checkbox"/> Morriston Park, Puslinch                | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| Wellington   |  |   |   |
| <input type="checkbox"/> Caressant Care, Arthur                  | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| <input type="checkbox"/> Caressant Care, Fergus                  | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| <input type="checkbox"/> Wellington Terrace, Fergus              | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Private  |
| <input type="checkbox"/> Caressant Care, Hamilton                | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |
| <input type="checkbox"/> Strathcona Long Term Care, Mount Forest | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Private  |
| <input type="checkbox"/> Royal Terrace, Palmerston               | <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> <input type="checkbox"/> 5 <sup>th</sup> Select            | <input type="checkbox"/> Basic            | <input type="checkbox"/> Semi <input type="checkbox"/> Private            |

This is **Exhibit “B”** referred to in the Affidavit of **Norah Chaloner**, sworn this 27 day of April, 2023, in accordance with O. Reg 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in black ink, appearing to read 'A. O'Brien', written over a horizontal line.

A Commissioner for taking Affidavits etc.(*or as may be*) (pursuant to O. Reg 431/20)

Amanda Marie O'Brien, a Commissioner etc.  
Province of Ontario, for Goldblatt  
Partners LLP, Barristers & Solicitors  
Expires November 15, 2024

Amendments made to the Fixing the Long-Term Care Act, 2021 enables patients to complete the following with or without a doctor's order:

- Determine a patient's

- Determine a patient's eligibility for admission to a long-term care home
- Select long-term care home(s) for a patient that can meet their care needs
- Share the patient's application and health information with long-term care homes
- Authorize admission to the home

Your Care Coordinator will:

This Facility Choice List represents HCCSS selected Waitlist Choices (unless Patient/SBM has consented to semi-private or private, selection(s) will be basic accommodation).

Jennifer Szwed Care Coordinator (CC) on behalf of Richard Chaloner  
Name of Patient/Child/Adult Decision Maker  
10-Nov-2022

10 Nov 2022

**ONTARIO HEALTH COALITION AND  
ADVOCACY CENTRE FOR THE ELDERLY**

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Applicants

Court File No. CV-23-00698007-0000

Respondents

*ONTARIO  
SUPERIOR COURT OF JUSTICE*

Proceeding commenced in Toronto

**AFFIDAVIT OF NORAH CHALONER  
(Affirmed April 27, 2023)**

**GOLDBLATT PARTNERS LLP**  
20 Dundas Street West, Suite 1039  
Toronto, ON M5G 2C2  
Fax: 416-591-7333

**Steven Shrybman (20774B)**  
Telephone: 613-858-6842  
Email: sshrybman@goldblattpartners.com

**GOLDBLATT PARTNERS LLP**  
30 Metcalfe Street, Suite 500  
Ottawa, Ontario K1P 5L4  
Fax: 613-235-3041

**Benjamin Piper (58122B)**  
Telephone: 613-482-2464  
Email: bpiper@goldblattpartners.com

Counsel for the Applicants