



OPEN LETTER

July 26, 2021

Hon. Rod Phillips
Minister of Long-Term Care
Room 436
Main Legislative Building, Queen's Park
Toronto, ON M7A 1A8
By email: rod.phillips@pc.ola.org

Dear Minister Rod Phillips,

We are writing today to urgently insist that you extend the deadline for the decision regarding the issuance of a new license and expansion to for-profit long-term care chain corporation Southbridge Care Homes for Orchard Villa long-term care home in Pickering (Project # 21-026). We are also asking that you act immediately to correct the criteria your Ministry is using in evaluating this project and in consulting on this license. The way your Ministry is conducting itself does not accord with the [Long-Term Care Homes Act \(2007\) Section 96,97 & 98](#). These sections clearly give the power to decide about licenses to you as Minister, and require you to consider the public interest. Section 98 specifically states:

“A person is only eligible to be issued a license for a long-term care home if...;
(b) the past conduct relating to the operation of a long-term care home or any other matter or business of the following affords reasonable grounds to believe that the home will be operated in accordance with the law and with honesty and integrity”.

We have become increasingly disturbed as we have witnessed the actions of the Ministry of Long-Term Care regarding this license.

- In correspondence from your Ministry considering the issuance of the license you have drawn the criteria being considered so narrowly as to exclude the record of the licensee in operating the home, yet the license is for up to 30-years to build *and operate* the home, and in accordance with the Act, and you are required to consider the operator’s record and the public interest. The text of the correspondence from your office is appended at the end of this letter.
- In the public consultation your Ministry representative tried to stop Ontarians from asking questions about the record of Southbridge and its ability to operate the home to acceptable standards, in violation of the criteria set out in the LTC Homes Act as above.
- In a [press conference](#)¹ on July 15 you stated that licensing was decided by the Ministry and not by you as Minister. That is untrue. You are expressly named as the decision-maker in the Act and it is not acceptable to duck political accountability for your decision.

To us, this creates a picture that the ‘fix is in’; that the criteria and the conduct of the Ministry appear to be designed to exclude what should be the absolute central issue, which is whether it is in the public interest to issue for-profit chain company Southbridge Care Homes a new 30-year license and expansion to operate Orchard Villa and whether the corporation can be entrusted with the care of 320 vulnerable residents given its terrible record not only in that

¹ In the link provided at the 11:56 - 14:47 second mark.

home but across the province. As you know, the for-profit chains had far higher death rates than public and non-profit homes, [and among the for-profits Southbridge's record is the worst.](#)

We are calling on you to re-do the public consultation in accordance with the Long-Term Care Homes Act. We were participants in and witnessed the entire consultation on July 15. The Ministry representative opened the public consultation by giving participants incorrect information. She told people that they had to focus their input on the presentation that Southbridge Care Homes made regarding their proposal for a new building and expansion. This is incorrect information. The consultation was supposed to be on the new *license*, which is not only for a building and expansion, but also for the *operation* of the facility for up to 30-years and for the care of its residents. Participants were forced to modify their questions to try to fit into the framing as required by the Ministry representative. During the questions, the Ministry representative repeatedly told people to restrict their questions and comments to Southbridge Care Homes' proposal for the facility itself, and used her position as moderator to try to limit people from asking and commenting about Southbridge's record in operating the home and caring for residents. The Ministry representative went so far as to tell people they could not ask questions about staffing levels, arguing down and cutting off participants who were trying to ask questions.

This continued until I had my turn to ask a question more than 45 minutes into the hearing, at which point I intervened and said the information given by the Ministry representation was incorrect and, respectfully, the Ministry should not be trying to control out people giving input on Southbridge's record and its fitness to be granted a license and operate the home. Following my intervention, lawyer Jane Meadus from the Advocacy Centre for the Elderly had her turn and reiterated that the hearing was about the license, and under the Act, it is clear that the scope of issues under consideration is not restricted to the design of the building. I asked a question about what responsibility Southbridge takes for what happened under the current license and whether it would make any concrete commitment at all regarding hours of care per resident going forward. This is vital information but the Ministry representative cut off the discussion enabling the Southbridge representative to avoid answering.

All of the people that tried to ask questions but were limited prior to our intervention by the Ministry representative should be allowed to ask their questions and make their comments on the public record in a proper hearing. They should be allowed to ask and comment about the record of Southbridge and their plans regarding operating the facility, not just building it.

In addition, many people who were in the queue were never heard as the phone system was apparently not working. We have heard from at least five people who repeatedly tried to get into the queue and could not be heard. Others hung up and tried to dial back in but could not get back into the call at all.

This is wrong. Since the Ministry moderator gave incorrect information and since we have documented the testimony of people who could not get into the queue to be heard, we are asking you as Minister to extend the deadline and hold another hearing to hearing with the proper criteria under consideration and enabling all who want to give testimony to do so.

Further, in the consultation hearing held by the Ministry, I asked the Southbridge representative if Southbridge intends to continue to contract out the operations of its homes to a second for-profit company, as it has used the licenses issued by our government (and infrastructure paid by public funds) as its own assets for profit and then contracted out the operations of its homes to for-profit chain Extencicare. Southbridge claimed it has not currently contracted out the operation of the home to another for-profit company and intimated that it will not do so going forward. They claimed that Southbridge and the local public hospital Lakeridge Health had taken over the management, an arrangement that was temporary from months ago. When challenged on this, they claimed that Southbridge is running the home now, something that is disputed by families of residents currently in the home, and which does not accord with our own experience having been recently contacted in writing by a HR manager who contacted us as a representative of the home and whose signature line indicates that she is an employee of Paramed,

Extendicare's home care division. It also does not accord with Extendicare's website [which lists Orchard Villa as a home that they operate](#).

Finally, as you must be aware, the families are not only objecting based on the vast number of deaths and the record of horrific neglect in the pandemic. In the thirteen months from May 26, 2020 to Jun 29, 2021, there were fourteen inspections carried out at Orchard Villa. These inspections resulted in:

- 45 Written Notifications
- 26 Voluntary Plans of Corrections
- 7 Compliance Orders

This is awful, and many of these are major violations like keeping residents safe from abuse, failing to follow care plans, lack of PPE, failing to keep equipment in good repair, assessments not being completed after falls, failing to provide assessments for skin breakdowns/wounds, failing to insure that drugs are not given to residents unless they are prescribed to them, etc.

The text of the correspondence that your office is sending to people who contact you is appended below. In it you will see that the criteria listed for consideration expressly excludes the public interest and the record of the home as quoted above as required criteria under Sections 96,97 and 98 of the Long-Term Care Homes Act (2007).

In close, this issue should not even be under consideration. If Southbridge is able to not only get a new license but also an expansion at Orchard Villa where they were supposed to protect the vulnerable residents and care for them and where more than 70 residents died of COVID and others died of dehydration, malnutrition and horrific neglect, what kind of record would be bad enough for a corporation to be denied a license in Ontario? At the very least, you as Minister must be honest with the public about your duty under the law which requires you to decide what licenses are issued and that you consider the public interest, and that your Ministry consider the record of the licensee. At the very least you must allow those people who were cut off and cut out in the public consultation to be heard.

I will be following up with your office for your response.

Kind Regards,



Natalie Mehra
Executive Director

cc. Brian Pollard, Assistant Deputy Minister, Long-Term Care Capital Development
Hindy Ross, Director, Capital Planning
Wendy Ren, Director, Capital Program Management
Janet Hope, Assistant Deputy Minister, Long-Term Care Policy
Kelci Gershon, Director, Long-Term Care Policy and Modernization

Subject: Response from the Ministry of Long-Term Care (ref: 245-2021-3799)
Date: Thu, 15 Jul 2021 20:16:18 +0000
From: "MLTC Correspondence Replies (MLTC)" <Replies.MLTC@ontario.ca>
To: Jules Tupker

The constituency office of the Honourable Rod Phillips forwarded your email of July 14 to the Ministry of Long-Term Care regarding Orchard Villa Long-Term Care.

At this time, no decision has been made on the issuance of a new 30-year licence to Orchard Villa. Only after all activities have been completed as part of the licensing review can the Director under the Long-Term Care Homes Act make a decision to issue a licence or licence undertaking. This includes taking into consideration the comments received as part of the public consultation process.

The ministry considers a number of criteria when selecting which projects to approve, including:

- Financial viability and stability;
- Project readiness, including certainty regarding zoning, servicing, land acquisition and intention to complete construction by 2025;
- Upgrading older homes in response to lessons learned around improved infection prevention and control, particularly the elimination of three- and four-bed rooms;
- Providing spaces for Francophone and Indigenous residents, as well as other cultural and linguistic communities;
- Promoting campus of care models and addressing the growing number of seniors requiring specialized and complex care services;
- Geographic diversity to address the varying long-term care needs across the province, including areas with significant demand and rural or remote communities.

The projects that best meet the ministry's evaluation criteria are provided an allocation. Many of these projects will be delivered by the not for-profit and municipal sectors, which account for 63 per cent of new spaces allocated and 34 per cent of redevelopment spaces allocated.

The ministry's evaluation process prioritizes redevelopment of older homes to implement the lessons learned on improved infection prevention and control measures, particularly the elimination of three and four bed ward rooms in which isolation and cohorting has proven difficult.

New spaces built to modern design standards will help prevent and contain the transmission of infectious diseases and ensure residents have access to the care they need in a safe and secure environment.

Thank you for writing.

Sincerely,

Ministry of Long-Term Care