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## **“Unreasonable and Contrary to Law”: Legal opinion on new 30-year license & expansion at for-profit LTC Orchard Villa Coalition & families call on Ford government to respond**

Toronto/Durham: The Ontario Health Coalition was joined by The Families of Orchard Villa today demanding a response from the Ford government regarding their opposition to a [proposal to give a new 30-year license to rebuild and an 87-bed expansion](#) to Southbridge, the for-profit long-term care home operator of the 233-bed home whose license is coming to an end. Lawyers joined the virtual press conference along with families affected, and Steven Shrybman, partner at Goldblatt Partners LLP, gave a summary of their formal legal opinion regarding the issue. The legal opinion, released today, is available [here](#).

Orchard Villa LTC in Pickering Ontario gained widespread notoriety for its appalling record during the COVID-19 pandemic. At least 206 of Orchard Villa’s 233 residents contracted COVID-19, along with more than 100 staff. At least 70 residents died. Reports from [families of residents](#), the [local hospital](#), the [Canadian Forces](#) and repeated [inspections](#) before and since the first wave of the pandemic provide hair-raising accounts of failures to provide sound infection control; dire understaffing; inadequate hydration and feeding; uncleanliness; flies and cockroaches; lack of vital supplies and egregious lack of care.

According to a [CBC analysis](#), for-profit LTC chain Southbridge, which owns Orchard Villa, had the worst record among the for-profits during the pandemic with 9 deaths per 100 residents in homes with outbreaks. Orchard Villa had at least 30 deaths per 100 residents.

Not only did the Ford government fail to fine Southbridge for its record, it instead passed [legislation](#) shielding Southbridge and other LTC corporations (predominantly for-profits) from liability for negligence. Now, the Ford government is proposing to give Southbridge a [new 30-year license and an 87-bed expansion](#) as part of its plans to rebuild and build thousands of new long-term care beds, a significant portion of which they are proposing to hand to the same for-profit chain companies with the worst records.

Families and advocates are outraged and have vowed to fight these plans. The Ontario Health Coalition sent an [Open Letter](#) to the Minister of LTC regarding its concerns about Orchard Villa. Almost 200 people protested outside the home last month. Hundreds of petitions have been sent in to the Minister. Having received no response, the Coalition and the Families of Orchard Villa asked for a legal opinion regarding the lawfulness of the Ford government’s proposed new license and expansion.

"In our view, in light of Southbridge’s appalling record at Orchard Villa, it would be unreasonable and contrary to law for the government to find that Southbridge is eligible to be approved for a new license and expansion at Orchard Villa under s. 98 of the Long-Term Care Homes Act," said Steven Shrybman, lawyer at Goldblatt Partners. "Accordingly, if the government made such a decision, a Court would likely find the decision to be unreasonable and quash it."

"No reasonable application of s. 98 of the Act could conclude that Southbridge is “competent” to operate Orchard Villa, or that its “past conduct ... affords reasonable grounds “to believe” that the home will be operated “with honesty and integrity” and “not ... in a manner that is prejudicial to the health, safety or welfare of its residents,” as the words of the Act require,” he concluded.

“On behalf of our loved ones living in Orchard Villa we will continue to advocate,” said Catherine Parkes, who lost her father --a resident of the home-- in the first wave of the pandemic. “We carry with us daily the defeat and heartbreak of having watched our family members suffer and die. The personal discussions I have had with family members who still have loved ones living in Orchard Villa reveal that nothing has changed. I strongly believe that the Long-Term Care Act indicates clearly the direction the Minister needs to take regarding Southbridge Care Home’s request for a 30-year license and an extra 87 beds, which is an absolute denial of their request.”

“We are extremely concerned that the Ford government, which has close connections with the for-profit long-term care industry, may be ducking the controversy and waiting for people to stop paying attention. The Minister and the Premier have evaded responding to protests, open letters, and petitions calling on them to institute real accountability and improvements in long-term care,” said Natalie Mehra, executive director of the Ontario Health Coalition. “What this legal opinion says is that the law requires the Ford government to protect residents and to act in the public interest, not in the private interests of the for-profit operators, and we are demanding that the Premier and the Minister respond to the demands of the public and the families that this LTC operator not be rewarded with an expansion and a new 30-year license after all the grief and horror that the residents and families have suffered.”