

Taylor, Laura

From: Legislative Assembly of Ontario
Sent: November 3, 2020 4:33 PM
To: Standing Committee on Justice Policy
Cc: Teng, Deborah
Subject: Webform submission: Submission of material 24776

Submitted on Tue, 11/03/2020 - 16:28

Application ID: 24776

Submitted values are:

Bill or item of business: **Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020**

Choose a topic

Do you know the bill title or business (e.g., pre-budget consultations) you'd like to speak or submit material about?

Yes

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Which application would you like to submit?

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Are you submitting material as an individual or on behalf of an organization?

I am submitting material as an individual

Full name

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Paste submission

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!

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