

Ministry of Long-Term Care

Long-Term Care Operations Division
Long-Term Care Inspections Branch

Central West District

609 Kumpf Drive, Suite 105
Waterloo, ON, N2V 1K8
Telephone: (888) 432-7901

Public Report

Report Issue Date: April 16, 2025

Inspection Number: 2025-1094-0003

Inspection Type:

Complaint
Critical Incident

Licensee: Lutheran Homes Kitchener-Waterloo

Long Term Care Home and City: Trinity Village Care Centre, Kitchener

INSPECTION SUMMARY

The inspection occurred onsite on the following date(s): April 8-11, 15-16, 2025

The following intake(s) were inspected:

- Intake: #00138203 related to concerns regarding feeding of a resident
- Intake: #00139402 related to alleged neglect of a resident
- Intake: #00139420 related to an unexpected death of a resident
- Intake: #00139651 related to concerns of improper care of residents
- Intake: #00140421 related to an injury to a resident of unknown cause
- Intake: #00140796 related to a complaint of alleged abuse of a resident
- Intake: #00142041 related to a fall of a resident
- Intake: #00142995 related to a complaint regarding a bed refusal for admission
- Intake: #00143837 related to a fall of a resident resulting in injury

The following **Inspection Protocols** were used during this inspection:

Resident Care and Support Services
Food, Nutrition and Hydration

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Prevention of Abuse and Neglect
Falls Prevention and Management
Admission, Absences and Discharge

INSPECTION RESULTS

WRITTEN NOTIFICATION: Dining and snack service

NC #001 Written Notification pursuant to FLTCA, 2021, s. 154 (1) 1.

Non-compliance with: O. Reg. 246/22, s. 79 (1) 6.

Dining and snack service

s. 79 (1) Every licensee of a long-term care home shall ensure that the home has a dining and snack service that includes, at a minimum, the following elements:

6. Sufficient time for every resident to eat at their own pace.

The licensee failed to ensure that staff provided a resident with sufficient time to eat.

Sources: Investigation notes, interview with staff

COMPLIANCE ORDER CO #001 Authorization for admission to a home

NC #002 Compliance Order pursuant to FLTCA, 2021, s. 154 (1) 2.

Non-compliance with: FLTCA, 2021, s. 51 (9)

Authorization for admission to a home

s. 51 (9) If the licensee withholds approval for admission, the licensee shall give to persons described in subsection (10) a written notice setting out,

(a) the ground or grounds on which the licensee is withholding approval;

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(b) a detailed explanation of the supporting facts, as they relate both to the home and to the applicant's condition and requirements for care;

(c) an explanation of how the supporting facts justify the decision to withhold approval; and

(d) contact information for the Director.

**The inspector is ordering the licensee to comply with a Compliance Order
[FLTCA, 2021, s. 155 (1) (a)]:**

The licensee shall:

With respect to withholding the applicant's admission, provide the applicant and the appropriate placement coordinator with a notice that is in accordance with s. 51 (9) of the FLTCA. The written notice must set out:

1. The ground or grounds in which the licensee is withholding approval
2. A detailed explanation of the supporting facts, as they relate both to the home and to the applicant's condition and requirements for care
3. An explanation of how the supporting facts justify the decision to withhold approval; and
4. Contact information for the Director

Ensure that a copy of the written notice is sent to the applicant and the appropriate placement coordinator, and is maintained in the home and able to be provided to an Inspector upon request.

Grounds

The licensee failed to comply with FLTCA, s. 51 (9) when it provided an applicant and the appropriate placement coordinator with a written notice withholding approval for admission that did not set out the (a) grounds for withholding approval, (b) detailed explanation of supporting facts related to the applicant's condition and requirements for care, (c) an explanation of the supporting facts to justify the

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decision to withhold approval, and (d) contact information for the Director.

A complaint was received by the Ministry of Long-Term Care related to the licensee withholding an applicant's admission to the home.

In the written notice provided to the applicant, the home said that the applicant's care needs could not be managed in the home. The letter referenced information related to the applicant that the placement coordinator indicated was an inaccurate representation of their care needs. After the placement coordinator discussed this discrepancy with the licensee, another letter was provided to the applicant to rectify the discrepancy.

The amended letter was sent to the applicant and placement coordinator. This letter documented the reason for withholding approval as staff lacking the nursing expertise necessary to meet the applicant's care requirements. The written notice did not provide a detailed explanation of the supporting facts, related to both the home and the applicant's condition and requirements for care to justify the decision to withhold approval of the applicant. Neither letter provided contact information for the Director.

As a result, the placement coordinator stated that the applicant experienced significant impact related to the home's admission refusal.

Sources: Refusal letters, Interviews with placement coordinator and staff

This order must be complied with by May 16, 2025

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REVIEW/APPEAL INFORMATION

TAKE NOTICE The Licensee has the right to request a review by the Director of this (these) Order(s) and/or this Notice of Administrative Penalty (AMP) in accordance with section 169 of the Fixing Long-Term Care Act, 2021 (Act). The licensee can request that the Director stay this (these) Order(s) pending the review. If a licensee requests a review of an AMP, the requirement to pay is stayed until the disposition of the review.

Note: Under the Act, a re-inspection fee is not subject to a review by the Director or an appeal to the Health Services Appeal and Review Board (HSARB). The request for review by the Director must be made in writing and be served on the Director within 28 days from the day the order or AMP was served on the licensee.

The written request for review must include:

- (a) the portions of the order or AMP in respect of which the review is requested;
- (b) any submissions that the licensee wishes the Director to consider; and
- (c) an address for service for the licensee.

The written request for review must be served personally, by registered mail, email or commercial courier upon:

Director

c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
438 University Avenue, 8th floor
Toronto, ON, M7A 1N3
e-mail: MLTC.AppealsCoordinator@ontario.ca

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If service is made by:

- (a) registered mail, is deemed to be made on the fifth day after the day of mailing
- (b) email, is deemed to be made on the following day, if the document was served after 4 p.m.
- (c) commercial courier, is deemed to be made on the second business day after the commercial courier received the document

If the licensee is not served with a copy of the Director's decision within 28 days of receipt of the licensee's request for review, this(these) Order(s) is(are) and/or this AMP is deemed to be confirmed by the Director and, for the purposes of an appeal to HSARB, the Director is deemed to have served the licensee with a copy of that decision on the expiry of the 28-day period.

Pursuant to s. 170 of the Act, the licensee has the right to appeal any of the following to HSARB:

- (a) An order made by the Director under sections 155 to 159 of the Act.
- (b) An AMP issued by the Director under section 158 of the Act.
- (c) The Director's review decision, issued under section 169 of the Act, with respect to an inspector's compliance order (s. 155) or AMP (s. 158).

HSARB is an independent tribunal not connected with the Ministry. They are established by legislation to review matters concerning health care services. If the licensee decides to request an appeal, the licensee must give a written notice of appeal within 28 days from the day the licensee was served with a copy of the order, AMP or Director's decision that is being appealed from. The appeal notice must be given to both HSARB and the Director:

Health Services Appeal and Review Board

Attention Registrar
151 Bloor Street West, 9th Floor

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Director

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Upon receipt, the HSARB will acknowledge your notice of appeal and will provide instructions regarding the appeal and hearing process. A licensee may learn more about the HSARB on the website www.hsarb.on.ca.