



**Ministry of Health and  
Long-Term Care**

**Inspection Report under  
the Long-Term Care  
Homes Act, 2007**

**Ministère de la Santé et des  
Soins de longue durée**

**Rapport d'inspection sous la  
Loi de 2007 sur les foyers de  
soins de longue durée**

**Long-Term Care Homes Division  
Long-Term Care Inspections Branch**

**Division des foyers de soins de  
longue durée  
Inspection de soins de longue durée**

Ottawa Service Area Office  
347 Preston St Suite 420  
OTTAWA ON K1S 3J4  
Telephone: (613) 569-5602  
Facsimile: (613) 569-9670

Bureau régional de services d'Ottawa  
347 rue Preston bureau 420  
OTTAWA ON K1S 3J4  
Téléphone: (613) 569-5602  
Télécopieur: (613) 569-9670

## **Public Copy/Copie du public**

---

<b>Report Date(s) / Date(s) du rapport</b>	<b>Inspection No / No de l'inspection</b>	<b>Log # / Registre no</b>	<b>Type of Inspection / Genre d'inspection</b>
Nov 16, 2016	2016_505103_0045	016031-16, 019779-16, 029774-16, 031515-16	Complaint

---

### **Licensee/Titulaire de permis**

2109577 ONTARIO LIMITED  
195 Forum Drive Unit 617 MISSISSAUGA ON L4Z 3M5

---

### **Long-Term Care Home/Foyer de soins de longue durée**

2109577 ONTARIO LIMITED O/A ARBOUR HEIGHTS  
564 Tanner Drive KINGSTON ON K7M 0C3

---

### **Name of Inspector(s)/Nom de l'inspecteur ou des inspecteurs**

DARLENE MURPHY (103)

---

## **Inspection Summary/Résumé de l'inspection**



**Ministry of Health and  
Long-Term Care**

**Ministère de la Santé et des  
Soins de longue durée**

**Inspection Report under  
the Long-Term Care  
Homes Act, 2007**

**Rapport d'inspection sous la  
Loi de 2007 sur les foyers de  
soins de longue durée**

**The purpose of this inspection was to conduct a Complaint inspection.**

**This inspection was conducted on the following date(s): October 28, 31, November 1-3, 2016**

**The following intakes were included in this inspection: Log #016031-16 (complaint regarding resident care), #019779-16 (approval withheld for admission), #029774-16 (complaint related to resident falls), 031515-16 (approval withheld for admission).**

**During the course of the inspection, the inspector(s) spoke with residents, Personal Support Workers (PSW), a Registered Practical Nurse (RPN), Community Care Access Centre, Client Services Placement Manager, Director of Care (DOC) and the Administrator.**

**During the course of the inspection, the inspector reviewed resident health care records, made resident observations, and reviewed applications for two applicants where admission to the home was withheld.**

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

**Falls Prevention**

**Personal Support Services**

**During the course of this inspection, Non-Compliances were issued.**

**1 WN(s)**

**0 VPC(s)**

**1 CO(s)**

**0 DR(s)**

**0 WAO(s)**



**NON-COMPLIANCE / NON - RESPECT DES EXIGENCES**

Legend	Legendé
WN – Written Notification VPC – Voluntary Plan of Correction DR – Director Referral CO – Compliance Order WAO – Work and Activity Order	WN – Avis écrit VPC – Plan de redressement volontaire DR – Aiguillage au directeur CO – Ordre de conformité WAO – Ordres : travaux et activités
Non-compliance with requirements under the Long-Term Care Homes Act, 2007 (LTCHA) was found. (a requirement under the LTCHA includes the requirements contained in the items listed in the definition of "requirement under this Act" in subsection 2(1) of the LTCHA).	Le non-respect des exigences de la Loi de 2007 sur les foyers de soins de longue durée (LFSLD) a été constaté. (une exigence de la loi comprend les exigences qui font partie des éléments énumérés dans la définition de « exigence prévue par la présente loi », au paragraphe 2(1) de la LFSLD.
The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.	Ce qui suit constitue un avis écrit de non-respect aux termes du paragraphe 1 de l'article 152 de la LFSLD.

**WN #1: The Licensee has failed to comply with LTCHA, 2007 S.O. 2007, c.8, s. 44. Authorization for admission to a home**



**Specifically failed to comply with the following:**

- s. 44. (7) The appropriate placement co-ordinator shall give the licensee of each selected home copies of the assessments and information that were required to have been taken into account, under subsection 43 (6), and the licensee shall review the assessments and information and shall approve the applicant's admission to the home unless,**
- (a) the home lacks the physical facilities necessary to meet the applicant's care requirements; 2007, c. 8, s. 44. (7).**
  - (b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or 2007, c. 8, s. 44. (7).**
  - (c) circumstances exist which are provided for in the regulations as being a ground for withholding approval. 2007, c. 8, s. 44. (7).**

**Findings/Faits saillants :**

1. The following finding relates to Logs #019779-16 and #031515-16:

The licensee has failed to provide grounds in line with s. 44 (7) of the LTCHA, 2007 for withholding approval for admission of applicants #003 and #004.

LTCHA, 2007 s. 44 (7) states, the placement co-ordinator shall give the licensee of each selected home copies of the assessments and information that were required to have been taken into account, and the licensee shall review the assessments and information and shall approve the applicant's admission to the home unless,

- (a) The home lacks the physical facilities necessary to meet the applicant's care requirements;
- (b) The staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or
- (c) Circumstances exist which are provided for in the regulations as being a ground for withholding approval.

The home was asked to review an application for admission to the home for applicant #003. The home withheld approval for the applicant's admission to the home and, in the written notice sent to the applicant, indicated the home was unable to accept the applicant based on the following:



“the home lacks the physical facilities necessary to meet your needs. The infrastructure of Arbour Heights is unable to accommodate a bariatric ceiling lift and additional bariatric equipment if needed”.

The Community Care Access Centre (CCAC) Client Services Placement Manager was interviewed and indicated at the time of the application, the applicant was independent with all mobility and transfers and did not require a bariatric ceiling lift or bariatric equipment.

At the time of this inspection, applicant #003 had been permanently placed in another long-term care home.

At a later date, the home was asked to review an application for admission to the home for applicant #004. The home withheld approval for the applicant's admission to the home and, in the written notice sent to the applicant, indicated the home was unable to accept the applicant based on the following:

“the home lacks the physical facilities necessary to meet your needs. The infrastructure of Arbour Heights is unable to accommodate a bariatric ceiling lift or additional bariatric equipment if needed. The Canadian Standards Association dictates that spatial and facility requirements are implemented for Canadian Health Care facilities to safely provide care to bariatric clients. Arbour Heights does not meet these standards nor does our staff have the skills and ability to provide the specialized care that a resident with bariatric needs would require.

On November 7, 2016, the CCAC Client Services Placement Manager was interviewed and indicated applicant #004 required a four wheeled walker for ambulation and the assist of one person for transfers and confirmed there was no specialized care required for this applicant. The applicant was currently being cared for in their home with the assist of a home care provider and the care was being managed by the applicant's family doctor.

The Administrator and the Director of Care both indicated these applications were reviewed in consultation with the home's Medical Director. The Medical Director indicated the home will not accept the applications of anyone with a body mass index (BMI) greater than 50 because their future care needs are expected to exceed the care the home can safely provide given their current physical environment and level of nursing and medical expertise.



**Ministry of Health and  
Long-Term Care**

**Inspection Report under  
the Long-Term Care  
Homes Act, 2007**

**Ministère de la Santé et des  
Soins de longue durée**

**Rapport d'inspection sous la  
Loi de 2007 sur les foyers de  
soins de longue durée**

At the time of this inspection, applicant #004 was still awaiting placement in a long-term care home.

The decision to issue this non compliance as a compliance order was based on the following:

The severity of this non compliance is potential for actual harm as potential applicant's will be unable to choose to live at Arbour Heights.

The scope of this non-compliance is pattern and will affect all potential applicant's with a BMI greater than 50.

The home's compliance history has related areas of non compliance. [s. 44. (7)]

***Additional Required Actions:***

***CO # - 001 will be served on the licensee. Refer to the "Order(s) of the Inspector".***

---

**Issued on this 16th day of November, 2016**

**Signature of Inspector(s)/Signature de l'inspecteur ou des inspecteurs**

**Original report signed by the inspector.**



**Ministry of Health and  
Long-Term Care**

**Ministère de la Santé et  
des Soins de longue durée**

**Order(s) of the Inspector**

Pursuant to section 153 and/or  
section 154 of the *Long-Term Care  
Homes Act, 2007*, S.O. 2007, c.8

**Ordre(s) de l'inspecteur**

Aux termes de l'article 153 et/ou  
de l'article 154 de la *Loi de 2007 sur les foyers  
de soins de longue durée*, L.O. 2007, chap. 8

**Long-Term Care Homes Division  
Long-Term Care Inspections Branch**

**Division des foyers de soins de longue durée  
Inspection de soins de longue durée**

**Public Copy/Copie du public**

**Name of Inspector (ID #) /**

**Nom de l'inspecteur (No) :** DARLENE MURPHY (103)

**Inspection No. /**

**No de l'inspection :** 2016\_505103\_0045

**Log No. /**

**Registre no:** 016031-16, 019779-16, 029774-16, 031515-16

**Type of Inspection /**

**Genre**

**d'inspection:**

Complaint

**Report Date(s) /**

**Date(s) du Rapport :** Nov 16, 2016

**Licensee /**

**Titulaire de permis :** 2109577 ONTARIO LIMITED  
195 Forum Drive, Unit 617, MISSISSAUGA, ON,  
L4Z-3M5

**LTC Home /**

**Foyer de SLD :** 2109577 ONTARIO LIMITED O/A ARBOUR HEIGHTS  
564 Tanner Drive, KINGSTON, ON, K7M-0C3

**Name of Administrator /**

**Nom de l'administratrice**

**ou de l'administrateur :** Christine Sellery

---

To 2109577 ONTARIO LIMITED, you are hereby required to comply with the following order(s) by the date(s) set out below:



**Order(s) of the Inspector**

Pursuant to section 153 and/or  
section 154 of the *Long-Term Care  
Homes Act, 2007, S.O. 2007, c.8*

**Ordre(s) de l'inspecteur**

Aux termes de l'article 153 et/ou  
de l'article 154 de la *Loi de 2007 sur les foyers  
de soins de longue durée, L.O. 2007, chap. 8*

**Order # /**

Ordre no : 001

**Order Type /**

Genre d'ordre : Compliance Orders, s. 153. (1) (a)

**Pursuant to / Aux termes de :**

LTCHA, 2007 S.O. 2007, c.8, s. 44. (7) The appropriate placement co-ordinator shall give the licensee of each selected home copies of the assessments and information that were required to have been taken into account, under subsection 43 (6), and the licensee shall review the assessments and information and shall approve the applicant's admission to the home unless,

(a) the home lacks the physical facilities necessary to meet the applicant's care requirements;

(b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or

(c) circumstances exist which are provided for in the regulations as being a ground for withholding approval. 2007, c. 8, s. 44. (7).

**Order / Ordre :**

The licensee is hereby ordered to:

1. Contact the Placement Coordinator within five business days following the issuance of this order and request the most current assessments and information for applicant #004.

2. Review these assessments and information to approve the applicant's admission to the home unless the home lacks the physical facilities necessary to meet the applicant's current care requirements or the staff of the home lack the nursing expertise to meet the applicant's current care requirements.

**Grounds / Motifs :**

1. The following finding relates to Logs #019779-16 and #031515-16:

The licensee has failed to provide grounds in line with s. 44 (7) of the LTCHA, 2007 for withholding approval for admission of applicants #003 and #004.

LTCHA, 2007 s. 44 (7) states, the placement co-ordinator shall give the licensee of each selected home copies of the assessments and information that were



required to have been taken into account, and the licensee shall review the assessments and information and shall approve the applicant's admission to the home unless,

- (a) The home lacks the physical facilities necessary to meet the applicant's care requirements;
- (b) The staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or
- (c) Circumstances exist which are provided for in the regulations as being a ground for withholding approval.

The home was asked to review an application for admission to the home for applicant #003. The home withheld approval for the applicant's admission to the home and, in the written notice sent to the applicant, indicated the home was unable to accept the applicant based on the following:

"the home lacks the physical facilities necessary to meet your needs. The infrastructure of Arbour Heights is unable to accommodate a bariatric ceiling lift and additional bariatric equipment if needed".

The Community Care Access Centre (CCAC) Client Services Placement Manager was interviewed and indicated at the time of the application, the applicant was independent with all mobility and transfers and did not require a bariatric ceiling lift or bariatric equipment.

At the time of this inspection, applicant #003 had been permanently placed in another long-term care home.

At a later date, the home was asked to review an application for admission to the home for applicant #004. The home withheld approval for the applicant's admission to the home and, in the written notice sent to the applicant, indicated the home was unable to accept the applicant based on the following:

"the home lacks the physical facilities necessary to meet your needs. The infrastructure of Arbour Heights is unable to accommodate a bariatric ceiling lift or additional bariatric equipment if needed. The Canadian Standards Association dictates that spatial and facility requirements are implemented for Canadian Health Care facilities to safely provide care to bariatric clients. Arbour Heights does not meet these standards nor does our staff have the skills and ability to



**Ministry of Health and  
Long-Term Care**

**Order(s) of the Inspector**

Pursuant to section 153 and/or  
section 154 of the *Long-Term Care  
Homes Act, 2007, S.O. 2007, c.8*

**Ministère de la Santé et  
des Soins de longue durée**

**Ordre(s) de l'inspecteur**

Aux termes de l'article 153 et/ou  
de l'article 154 de la *Loi de 2007 sur les foyers  
de soins de longue durée, L.O. 2007, chap. 8*

provide the specialized care that a resident with bariatric needs would require.

On November 7, 2016, the CCAC Client Services Placement Manager was interviewed and indicated applicant #004 required a four wheeled walker for ambulation and the assist of one person for transfers and confirmed there was no specialized care required for this applicant. The applicant is currently being cared for in their home with the assist of a home care provider and the care was being managed by the applicant's family doctor.

The Administrator and the Director of Care both indicated these applications were reviewed in consultation with the home's Medical Director. The Medical Director indicated the home will not accept the applications of anyone with a body mass index (BMI) greater than 50 because their future care needs are expected to exceed the care the home can safely provide given their current physical environment and level of nursing and medical expertise.

At the time of this inspection, applicant #004 was still awaiting placement in a long-term care home.

The decision to issue this non compliance as a compliance order was based on the following:

The severity of this non compliance is potential for actual harm as potential applicant's will be unable to choose to live at Arbour Heights.

The scope of this non-compliance is pattern and will affect all potential applicant's with a BMI greater than 50.

The home's compliance history has related areas of non compliance. (103)

**This order must be complied with by /**

**Vous devez vous conformer à cet ordre d'ici le : Dec 16, 2016**



**Ministry of Health and  
Long-Term Care**

**Ministère de la Santé et  
des Soins de longue durée**

**Order(s) of the Inspector**

Pursuant to section 153 and/or  
section 154 of the *Long-Term Care  
Homes Act, 2007*, S.O. 2007, c.8

**Ordre(s) de l'inspecteur**

Aux termes de l'article 153 et/ou  
de l'article 154 de la *Loi de 2007 sur les foyers  
de soins de longue durée*, L.O. 2007, chap. 8

**REVIEW/APPEAL INFORMATION**

**TAKE NOTICE:**

The Licensee has the right to request a review by the Director of this (these) Order(s) and to request that the Director stay this (these) Order(s) in accordance with section 163 of the Long-Term Care Homes Act, 2007.

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 was served on the Licensee.

The written request for review must include,

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

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

Director  
c/o Appeals Coordinator  
Long-Term Care Inspections Branch  
Ministry of Health and Long-Term Care  
1075 Bay Street, 11th Floor  
TORONTO, ON  
M5S-2B1  
Fax: 416-327-7603



**Ministry of Health and  
Long-Term Care**

**Order(s) of the Inspector**

Pursuant to section 153 and/or  
section 154 of the *Long-Term Care  
Homes Act, 2007*, S.O. 2007, c.8

**Ministère de la Santé et  
des Soins de longue durée**

**Ordre(s) de l'inspecteur**

Aux termes de l'article 153 et/ou  
de l'article 154 de la *Loi de 2007 sur les foyers  
de soins de longue durée*, L.O. 2007, chap. 8

When service is made by registered mail, it is deemed to be made on the fifth day after the day of mailing and when service is made by fax, it is deemed to be made on the first business day after the day the fax is sent. If the Licensee is not served with written notice of the Director's decision within 28 days of receipt of the Licensee's request for review, this(these) Order(s) is(are) deemed to be confirmed by the Director and the Licensee is deemed to have been served with a copy of that decision on the expiry of the 28 day period.

The Licensee has the right to appeal the Director's decision on a request for review of an Inspector's Order(s) to the Health Services Appeal and Review Board (HSARB) in accordance with section 164 of the Long-Term Care Homes Act, 2007. The 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 a hearing, the Licensee must, within 28 days of being served with the notice of the Director's decision, give a written notice of appeal to both:

Health Services Appeal and Review Board and the Director

Attention Registrar  
151 Bloor Street West  
9th Floor  
Toronto, ON M5S 2T5

Director  
c/o Appeals Coordinator  
Long-Term Care Inspections Branch  
Ministry of Health and Long-Term Care  
1075 Bay Street, 11th Floor  
TORONTO, ON  
M5S-2B1  
Fax: 416-327-7603

Upon receipt, the HSARB will acknowledge your notice of appeal and will provide instructions regarding the appeal process. The Licensee may learn more about the HSARB on the website [www.hsarb.on.ca](http://www.hsarb.on.ca).



**Ministry of Health and  
Long-Term Care**

**Order(s) of the Inspector**  
Pursuant to section 153 and/or  
section 154 of the *Long-Term Care  
Homes Act, 2007, S.O. 2007, c.8*

**Ministère de la Santé et  
des Soins de longue durée**

**Ordre(s) de l'inspecteur**  
Aux termes de l'article 153 et/ou  
de l'article 154 de la *Loi de 2007 sur les foyers  
de soins de longue durée, L.O. 2007, chap. 8*

## **RENSEIGNEMENTS SUR LE RÉEXAMEN/L'APPEL**

### **PRENDRE AVIS**

En vertu de l'article 163 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis peut demander au directeur de réexaminer l'ordre ou les ordres qu'il a donné et d'en suspendre l'exécution.

La demande de réexamen doit être présentée par écrit et est signifiée au directeur dans les 28 jours qui suivent la signification de l'ordre au titulaire de permis.

La demande de réexamen doit contenir ce qui suit :

- a) les parties de l'ordre qui font l'objet de la demande de réexamen;
- b) les observations que le titulaire de permis souhaite que le directeur examine;
- c) l'adresse du titulaire de permis aux fins de signification.

La demande écrite est signifiée en personne ou envoyée par courrier recommandé ou par télécopieur au:

Directeur  
a/s Coordinateur des appels  
Inspection de soins de longue durée  
Ministère de la Santé et des Soins de longue durée  
1075, rue Bay, 11<sup>e</sup> étage  
Ontario, ON  
M5S-2B1  
Fax: 416-327-7603

Les demandes envoyées par courrier recommandé sont réputées avoir été signifiées le cinquième jour suivant l'envoi et, en cas de transmission par télécopieur, la signification est réputée faite le jour ouvrable suivant l'envoi. Si le titulaire de permis ne reçoit pas d'avis écrit de la décision du directeur dans les 28 jours suivant la signification de la demande de réexamen, l'ordre ou les ordres sont réputés confirmés par le directeur. Dans ce cas, le titulaire de permis est réputé avoir reçu une copie de la décision avant l'expiration du délai de 28 jours.



**Ministry of Health and  
Long-Term Care**

**Order(s) of the Inspector**

Pursuant to section 153 and/or  
section 154 of the *Long-Term Care  
Homes Act, 2007, S.O. 2007, c.8*

**Ministère de la Santé et  
des Soins de longue durée**

**Ordre(s) de l'inspecteur**

Aux termes de l'article 153 et/ou  
de l'article 154 de la *Loi de 2007 sur les foyers  
de soins de longue durée, L.O. 2007, chap. 8*

En vertu de l'article 164 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis a le droit d'interjeter appel, auprès de la Commission d'appel et de révision des services de santé, de la décision rendue par le directeur au sujet d'une demande de réexamen d'un ordre ou d'ordres donnés par un inspecteur. La Commission est un tribunal indépendant du ministère. Il a été établi en vertu de la loi et il a pour mandat de trancher des litiges concernant les services de santé. Le titulaire de permis qui décide de demander une audience doit, dans les 28 jours qui suivent celui où lui a été signifié l'avis de décision du directeur, faire parvenir un avis d'appel écrit aux deux endroits suivants :

À l'attention du registraire  
Commission d'appel et de révision  
des services de santé  
151, rue Bloor Ouest, 9e étage  
Toronto (Ontario) M5S 2T5

Directeur  
a/s Coordinateur des appels  
Inspection de soins de longue durée  
Ministère de la Santé et des Soins de longue durée  
1075, rue Bay, 11e étage  
Ontario, ON  
M5S-2B1  
Fax: 416-327-7603

La Commission accusera réception des avis d'appel et transmettra des instructions sur la façon de procéder pour interjeter appel. Les titulaires de permis peuvent se renseigner sur la Commission d'appel et de révision des services de santé en consultant son site Web, au [www.hsarb.on.ca](http://www.hsarb.on.ca).

**Issued on this 16th day of November, 2016**

**Signature of Inspector /**

**Signature de l'inspecteur :**

**Name of Inspector /**

**Nom de l'inspecteur :** DARLENE MURPHY

**Service Area Office /**

**Bureau régional de services :** Ottawa Service Area Office