

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

Rapport d'inspection en vertu de  
la Loi de 2007 sur les foyers de  
soins de longue durée

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

Division des opérations relatives aux  
soins de longue durée  
Inspection de soins de longue durée

Central West Service Area Office  
1st Floor, 609 Kumpf Drive  
WATERLOO ON N2V 1K8  
Telephone: (888) 432-7901  
Facsimile: (519) 885-2015

Bureau régional de services de Centre  
Ouest  
1e étage, 609 rue Kumpf  
WATERLOO ON N2V 1K8  
Téléphone: (888) 432-7901  
Télécopieur: (519) 885-2015

**Public Copy/Copie du rapport public**

Report Date(s) / Date(s) du Rapport	Inspection No / No de l'inspection	Log # / No de registre	Type of Inspection / Genre d'inspection
Feb 19, 2021	2021_739694_0009	002438-21	Other

**Licensee/Titulaire de permis**

peopleCare Communities Inc.  
735 Bridge Street West Waterloo ON N2V 2H1

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

peopleCare Hilltop Manor Cambridge  
42 Elliott Street Cambridge ON N1R 2J2

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

AMANDA COULTER (694)

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

The purpose of this inspection was to conduct an Other inspection.

This inspection was conducted on the following date(s): This inspection was completed off-site on February 10, 11, and 12, 2021.

The following intake was inspected during this inspection:  
Log # 002438-21, related to surveillance testing of staff.

During the course of the inspection, the inspector(s) spoke with the Director of Care.

The following Inspection Protocols were used during this inspection:

## Infection Prevention and Control

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

<p>Legend</p> <p>WN – Written Notification VPC – Voluntary Plan of Correction DR – Director Referral CO – Compliance Order WAO – Work and Activity Order</p>	<p>Légende</p> <p>WN – Avis écrit VPC – Plan de redressement volontaire DR – Aiguillage au directeur CO – Ordre de conformité WAO – Ordres : travaux et activités</p>
<p>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).</p> <p>The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.</p>	<p>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.</p> <p>Ce qui suit constitue un avis écrit de non-respect aux termes du paragraphe 1 de l'article 152 de la LFSLD.</p>

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**WN #1: The Licensee has failed to comply with LTCHA, 2007 S.O. 2007, c.8, s.  
174.1 Directives by Minister****Specifically failed to comply with the following:****174.1 (1) The Minister may issue operational or policy directives respecting long-term care homes where the Minister considers it to be in the public interest to do so. 2017, c. 25, Sched. 5, s. 49.****Findings/Faits saillants :**

1. The Licensee has failed to ensure that every operational directive that applies to the long-term care home was complied with in relation to Directive #3's staff COVID-19 testing requirements.

On March 17, 2020, the Premier of Ontario Cabinet issued a COVID-19 emergency in the Province of Ontario under the Emergency Management and Civil Protection Act.

On March 22, and 30, 2020, Directive #3 was issued and revised on December 7, 2020, to all Long-Term Care Homes (LTC Homes) under the Long-Term Care Homes Act (LTCHA), 2007, under section 77.7 of the Health Protection and Promotion Act (HPPA) R.S.O. 1990, c H.7. by the Chief Medical Officer of Health (CMOH) of Ontario. The CMOH advised that residents of LTC Homes were at immediate and increased risk of COVID-19 and an urgent requirement was made for all LTC Homes to implement measures to protect all residents and staff.

Directive #3 required long-term care home licensees to conduct frequent COVID-19 testing of staff, student placements, and volunteers. The Minister's Directive, as well as the protocols and frequency described in the Ministry of Health's COVID-19 Provincial Testing Guidance, stated that for the duration of the province wide shutdown, long-term care home licensees were required to conduct testing at the grey zone frequency.

Starting December 26, 2020, Ontario was in a province wide lockdown where all of Ontario was considered in the grey lockdown Public Health Unit level. The grey lockdown Public Health Unit level directed that all staff, students, and volunteers of Long-term Care Homes were required to be tested weekly with a polymerase chain reaction (PCR) test.

A PCR test, means a validated real-time PCR assay laboratory test for the novel

coronavirus known as COVID-19. The test should be taken as close to every seven days as can practically be achieved, unless testing is conducted more frequently.

A Surveillance Testing report was submitted by People Care Hilltop Manor to the Ministry of Long-Term Care (MLTC). The report stated that during a specified time three direct care staff were allowed to work due to staffing shortages in the home, when they had not had surveillance testing within seven days.

The licensee not ensuring that all staff members had a weekly PCR test completed prior to them working at the home increased the risk of infectious disease transmission to all residents, health care providers, and visitors of the home.

Sources: Minister's Directive #3, issued on December 7, 2020, DOC interview, staff schedules, the home's records of staff testing. [s. 174.1 (1)]

***Additional Required Actions:***

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

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Issued on this 23rd day of February, 2021

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

**Original report signed by the inspector.**

**Order(s) of the Inspector**

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

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

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 Operations Division  
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Inspection de soins de longue durée

**Public Copy/Copie du rapport public**

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

**Nom de l'inspecteur (No) :** AMANDA COULTER (694)

**Inspection No. /**

**No de l'inspection :** 2021\_739694\_0009

**Log No. /**

**No de registre :** 002438-21

**Type of Inspection /**

**Genre d'inspection:** Other

**Report Date(s) /**

**Date(s) du Rapport :** Feb 19, 2021

**Licensee /**

**Titulaire de permis :** peopleCare Communities Inc.  
735 Bridge Street West, Waterloo, ON, N2V-2H1

**LTC Home /**

**Foyer de SLD :** peopleCare Hilltop Manor Cambridge  
42 Elliott Street, Cambridge, ON, N1R-2J2

**Name of Administrator /**

**Nom de l'administratrice**

**ou de l'administrateur :** Mike Dickin

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To peopleCare Communities Inc., you are hereby required to comply with the following order(s) by the date(s) set out below:

**Order(s) of the Inspector**

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

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

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 # /**

**No d'ordre :** 001

**Order Type /**

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

**Pursuant to / Aux termes de :**

LTCHA, 2007 S.O. 2007, c.8, 174.1 (1) The Minister may issue operational or policy directives respecting long-term care homes where the Minister considers it to be in the public interest to do so. 2017, c. 25, Sched. 5, s. 49.

**Order / Ordre :**

The licensee must be compliant with s. 174 (1) 1 the LTCHA, 2007.

Specifically, the licensee must ensure that:

A) All staff, students, and volunteers are tested for covid-19 at the frequency outlined in the Minister's Directive before being allowed to work.

**Grounds / Motifs :**

1. The Licensee has failed to ensure that every operational directive that applies to the long-term care home was complied with in relation to Directive #3's staff COVID-19 testing requirements.

On March 17, 2020, the Premier of Ontario Cabinet issued a COVID-19 emergency in the Province of Ontario under the Emergency Management and Civil Protection Act.

On March 22, and 30, 2020, Directive #3 was issued and revised on December 7, 2020, to all Long-Term Care Homes (LTC Homes) under the Long-Term Care Homes Act (LTCHA), 2007, under section 77.7 of the Health Protection and Promotion Act (HPPA) R.S.O. 1990, c H.7. by the Chief Medical Officer of Health (CMOH) of Ontario. The CMOH advised that residents of LTC Homes were at immediate and increased risk of COVID-19 and an urgent requirement was made for all LTC Homes to implement measures to protect all residents and staff.

Directive #3 required long-term care home licensees to conduct frequent COVID-19 testing of staff, student placements, and volunteers. The Minister's

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Directive, as well as the protocols and frequency described in the Ministry of Health's COVID-19 Provincial Testing Guidance, stated that for the duration of the province wide shutdown, long-term care home licensees were required to conduct testing at the grey zone frequency.

Starting December 26, 2020, Ontario was in a province wide lockdown where all of Ontario was considered in the grey lockdown Public Health Unit level. The grey lockdown Public Health Unit level directed that all staff, students, and volunteers of Long-term Care Homes were required to be tested weekly with a polymerase chain reaction (PCR) test.

A PCR test, means a validated real-time PCR assay laboratory test for the novel coronavirus known as COVID-19. The test should be taken as close to every seven days as can practically be achieved, unless testing is conducted more frequently.

A Surveillance Testing report was submitted by People Care Hilltop Manor to the Ministry of Long-Term Care (MLTC). The report stated that during a specified time three direct care staff were allowed to work due to staffing shortages in the home, when they had not had surveillance testing within seven days.

The licensee not ensuring that all staff members had a weekly PCR test completed prior to them working at the home increased the risk of infectious disease transmission to all residents, health care providers, and visitors of the home.

Sources: Minister's Directive #3, issued on December 7, 2020, DOC interview, staff schedules, the home's records of staff testing. [s. 174.1 (1)]

An order was made by taking the following factors into account:  
Severity: By not following the Ministers Directive in relation to COVID-19 testing requirements residents and staff were put at risk for transmission of the infection.

Scope: This non-compliance was widespread as three staff working in different areas of the home did not have the required surveillance testing which put all residents and staff in the home at risk.

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l'article 154 de la *Loi de 2007 sur les  
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2007, chap. 8

Compliance History: Eight written notifications (WN), five voluntary plans of correction (VPCs), one Director referral (DR) and four compliance orders (CO), all of which have been complied, were issued to the home related to different sections of the legislation in the past 36 months. (694)

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

**Vous devez vous conformer à cet ordre d'ici le :**

Feb 22, 2021



**Order(s) of the Inspector**

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

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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 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, commercial courier or by fax upon:

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

When service is made by registered mail, it is deemed to be made on the fifth day after the day of mailing, when service is made by a commercial courier it is deemed to be made on the second business day after the day the courier receives the document, 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:

**Order(s) of the Inspector**

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2007, c. 8

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foyers de soins de longue durée*, L.O.  
2007, chap. 8

Health Services Appeal and Review Board and the Director

Attention Registrar  
Health Services Appeal and Review Board  
151 Bloor Street West, 9th Floor  
Toronto, ON M5S 1S4

Director  
c/o Appeals Coordinator  
Long-Term Care Inspections Branch  
Ministry of 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).

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2007, chap. 8

**RENSEIGNEMENTS RELATIFS AUX RÉEXAMENS DE DÉCISION ET AUX  
APPELS**

PRENEZ AVIS :

Le/la titulaire de permis a le droit de faire une demande de réexamen par le directeur de cet ordre ou de ces ordres, et de demander que le directeur suspende cet ordre ou ces ordres conformément à l'article 163 de la Loi de 2007 sur les foyers de soins de longue durée.

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

La demande écrite doit comporter ce qui suit :

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

La demande de réexamen présentée par écrit doit être signifiée en personne, par courrier recommandé, par messagerie commerciale ou par télécopieur, au :

Directeur  
a/s du coordonnateur/de la coordonnatrice en matière d'appels  
Direction de l'inspection des foyers de soins de longue durée  
Ministère des Soins de longue durée  
1075, rue Bay, 11<sup>e</sup> étage  
Toronto ON M5S 2B1  
Télécopieur : 416-327-7603

**Order(s) of the Inspector****Ordre(s) de l'inspecteur**

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

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l'article 154 de la *Loi de 2007 sur les  
foyers de soins de longue durée*, L.O.  
2007, chap. 8

Quand la signification est faite par courrier recommandé, elle est réputée être faite le cinquième jour qui suit le jour de l'envoi, quand la signification est faite par messagerie commerciale, elle est réputée être faite le deuxième jour ouvrable après le jour où la messagerie reçoit le document, et lorsque la signification est faite par télécopieur, elle est réputée être faite le premier jour ouvrable qui suit le jour de l'envoi de la télécopie. Si un avis écrit de la décision du directeur n'est pas signifié au/à la titulaire de permis dans les 28 jours de la réception de la demande de réexamen présentée par le/la titulaire de permis, cet ordre ou ces ordres sont réputés être confirmés par le directeur, et le/la titulaire de permis est réputé(e) avoir reçu une copie de la décision en question à l'expiration de ce délai.

Le/la titulaire de permis a le droit d'interjeter appel devant la Commission d'appel et de révision des services de santé (CARSS) de la décision du directeur relative à une demande de réexamen d'un ordre ou des ordres d'un inspecteur ou d'une inspectrice conformément à l'article 164 de la Loi de 2007 sur les foyers de soins de longue durée. La CARSS est un tribunal autonome qui n'a pas de lien avec le ministère. Elle est créée par la loi pour examiner les questions relatives aux services de santé. Si le/la titulaire décide de faire une demande d'audience, il ou elle doit, dans les 28 jours de la signification de l'avis de la décision du directeur, donner par écrit un avis d'appel à la fois à :

la Commission d'appel et de révision des services de santé et au directeur

À l'attention du/de la registrateur(e)  
Commission d'appel et de révision  
des services de santé  
151, rue Bloor Ouest, 9e étage  
Toronto ON M5S 1S4

Directeur  
a/s du coordonnateur/de la coordonnatrice en matière  
d'appels  
Direction de l'inspection des foyers de soins de longue durée  
Ministère des Soins de longue durée  
1075, rue Bay, 11e étage  
Toronto ON M5S 2B1  
Télécopieur : 416-327-7603

À la réception de votre avis d'appel, la CARSS en accusera réception et fournira des instructions relatives au processus d'appel. Le/la titulaire de permis peut en savoir davantage sur la CARSS sur le site Web [www.hsarb.on.ca](http://www.hsarb.on.ca).

**Issued on this 19th day of February, 2021**

**Signature of Inspector /**

**Signature de l'inspecteur :**

**Name of Inspector /**

**Nom de l'inspecteur :** Amanda Coulter

**Service Area Office /**

**Bureau régional de services :** Central West Service Area Office