

Ministry of Long-Term Care
Long-Term Care Operations Division
Long-Term Care Inspection Branch

London District
130 Dufferin Avenue, 4th Floor
London, ON, N6A 5R2
Telephone: (800) 663-3775

Immediate Compliance Order		Original Public Report
Report Issue Date: June 21, 2023		
Inspection Number: 2023-1225-0002		
Inspection Type: Proactive Compliance Inspection		
Licensee: Sharon Farms & Enterprises Limited		
Long Term Care Home and City: Kensington Village, London		
Lead Inspector Christie Birch (740898)	Inspector Digital Signature	
Additional Inspector(s) Tatiana Pyper (733564) Kristen Murray (731)		

INSPECTION SUMMARY
<p>The inspection occurred onsite on the following date(s): June 20, and 21, 2023</p> <p>The following intake(s) were inspected:</p> <ul style="list-style-type: none"> Intake: #00089991, Proactive Compliance Inspection

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

Safe and Secure Home

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INSPECTION RESULTS

COMPLIANCE ORDER [ICO #902] Air conditioning requirements

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

Non-compliance with: O. Reg. 246/22, s. 23.1 (3) 1.

The Inspector is ordering the licensee to:

FLTCA, 2021, s.155 (1) (a) do anything, or refrain from doing anything, to achieve compliance with a requirement under this Act

Compliance Order: [FLTCA 2021, s. 155 (1)]

The Licensee has failed to comply with O. Reg. 246/22, s. 23.1 (3) 1.

The licensee shall:

1. Ensure that temperature is maintained in all resident rooms for the purpose of cooling and is at a comfortable level for residents between May 15 to September 15.
2. Ensure that air temperatures are monitored and recorded in each resident's room three times daily to ensure cooling is at a comfortable level for residents. Continue to monitor and record air temperatures in resident's rooms for one month after compliance is achieved with this order. The temperature logs must be filed and maintained in the home.
3. Ascertain a Heating Ventilation and Air Conditioning (HVAC) Engineer/Technician to ensure air conditioning is operating efficiently for the purpose of cooling the temperature in every resident room.
4. Obtain a report from the HVAC Engineer/technician to describe the capacity of the air conditioning unit to cool this home appropriately.

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Grounds

The licensee has failed to ensure that air conditioning is operating and is used in accordance with the manufacturer's instructions in resident's rooms, to maintain the temperature at a comfortable level for the residents.

Rationale and Summary

During a Proactive Compliance Inspection at the home, an inspector was approached by a resident with complaints of their room being very hot. The inspector noted that the resident's room temperature was 26.2 degrees Celsius, and later the same day it was 26.5 degrees Celsius.

The long-term care home was noted to be serviced by tempered air system in some resident's rooms and common areas, and wall air conditioning units in some of the hallways of the home.

A staff member also approached an inspector and stated that they had concerns related to the home not having all the resident's rooms serviced by air conditioning, and that they had brought forward their concerns to the management of the home on multiple occasions. The staff member mentioned that they were told that the residents that find their rooms too hot, can leave their doors open or go to a cooling area of the home, as there is air conditioning in the hallways of the home.

Another resident stated their room was often above 26 degrees Celsius, and they felt warm and uncomfortable in their room and that the elevated temperatures negatively impacted their sleep during the night. They also shared that they had brought their concerns forward to the home with no response provided by the home. A staff member confirmed that the room temperature of this resident was over 27 degrees Celsius by 0900hrs every day during a week in May of 2023.

The following day this same resident stated that they still found their room to be very hot and that there has been no resolution to date. The room temperature in this resident's room was 26.5 degrees Celsius on that day.

On the dates of this inspection, the temperature in London, Ontario, as recorded by Environment Canada, was 27 degrees Celsius, with a humidex value of 31.

Record review of air temperature logs taken by staff of the home noted that the air temperatures in several resident's rooms that were noted to be served by the tempered air system were above 26 degrees Celsius on multiple days during the months of May and June 2023.

There was increased risk to the residents related to the elevated temperatures in resident's rooms and the residents stated that they were uncomfortable.



**Inspection Report Under the
Fixing Long-Term Care Act, 2021**

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Sources: Observations in the home, record review of air temperatures in the home, review of temperature by Environment and Climate Change Canada, interviews with residents and staff members of the home.

This order must be complied with by: June 28, 2023

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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

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

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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
Toronto, ON, M5S 1S4

Director

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