



**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**

Toronto Service Area Office
5700 Yonge Street 5th Floor
TORONTO ON M2M 4K5
Telephone: (416) 325-9660
Facsimile: (416) 327-4486

Bureau régional de services de
Toronto
5700 rue Yonge 5e étage
TORONTO ON M2M 4K5
Téléphone: (416) 325-9660
Télécopieur: (416) 327-4486

Public Copy/Copie du public

Report Date(s) / Date(s) du rapport	Inspection No / No de l'inspection	Log # / No de registre	Type of Inspection / Genre d'inspection
Jul 13, 2018	2018_626501_0010	002684-18	Follow up

Licensee/Titulaire de permis

2063414 Ontario Limited as General Partner of 2063414 Investment LP
302 Town Centre Blvd. Suite 300 MARKHAM ON L3R 0E8

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

Midland Gardens Care Community
130 Midland Avenue SCARBOROUGH ON M1N 4B2

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

SUSAN SEMEREDY (501)

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 Follow up inspection.

This inspection was conducted on the following date(s): June 12, 13, 14, 15, 18, 19, 20, 2018. Additionally, off-site interviews were conducted on June 21 and 22, 2018.

This inspection was completed concurrently with Complaint inspection #2018_626501_0008 and Critical Incident inspection #2018_626501_0009.

During the course of the inspection, the inspector(s) spoke with the Executive Director (ED), Environmental Services Manager, and Engineer from the home's contracted company.

During the course of the inspection, the inspector reviewed emergency plans and a letter from the contracted company.

**The following Inspection Protocols were used during this inspection:
Safe and Secure Home**

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 O.Reg 79/10, s. 19. Generators



Specifically failed to comply with the following:

- s. 19. (1) Subject to subsections (2) to (4), every licensee of a long-term care home shall ensure that the home is served by a generator that is available at all times and that has the capacity to maintain, in the event of a power outage,**
- (a) the heating system; O. Reg. 79/10, s. 19 (1).**
 - (b) emergency lighting in hallways, corridors, stairways and exits; and O. Reg. 79/10, s. 19 (1).**
 - (c) essential services, including dietary services equipment required to store food at safe temperatures and prepare and deliver meals and snacks, the resident-staff communication and response system, elevators and life support, safety and emergency equipment. O. Reg. 79/10, s. 19 (1).**

Findings/Faits saillants :

1. The licensee has failed to ensure that the home is served by a generator that is available at all times that has the capacity to maintain, in the event of power outage, the heating system.

In relation to intake #002684-18 a follow up inspection for Compliance Order #001 from inspection #2017_420643_0024 was completed. The order was as follows:

The licensee must be compliant with O. Reg. 79/10, s. 19 (1).

Specifically, the licensee shall ensure the following is in place for the home:

- 1. Ensure a documented record exists on site of which building services are maintained by the generator that is available at all times; and
- 2. Ensure that the home is served by a generator that has the capacity to maintain the heating system in the event of a power outage.

The compliance due date was May 25, 2018.

During an interview with the Environmental Services Manager and Executive Director they told the Inspector that an identified company conducted an investigation to identify which building services were maintained by the generator. They indicated that this investigation showed that the generator had the capacity to maintain the heating system in the event of a power outage. They also explained that their generator would immediately be activated during a power outage and would provide the home with emergency power for three hours. After three hours, another identified company would



come and connect the entire building to an auxiliary generator source and the entire building would have power. The ESM and ED gave the Inspector a copy of the letter from the company that conducted the investigation.

A review of this letter dated February 7, 2018, indicated that a few air forced heater units located on the ground floor would be supplied with emergency power. During a telephone interview with the Engineer who wrote this letter, they confirmed that only a few heating units in common rooms on the ground floor would be supplied power in the event of a power outage. The letter also indicated and the Engineer explained that in order to determine the available remaining capacity on the emergency power system, a load study needed to be conducted. However, the Engineer stated that at this time only those few heating units were connected with the emergency power system.

Further interview with the ED indicated that the home had failed to follow up after receiving this emergency power distribution investigation and confirmed that only three heating units on the ground floor would be supplied emergency power in the event of a power outage. These ground floor units were common areas and the ground floor did not have any resident rooms. In the meantime the ED stated that they have asked the Engineer for a proposal to do the load study and would be looking into whether the identified company could come to the home to provide auxiliary power within one hour of a power outage. [s. 19. (1) (a)]

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 July, 2018

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) : SUSAN SEMEREDY (501)

Inspection No. /

No de l'inspection : 2018_626501_0010

Log No. /

No de registre : 002684-18

Type of Inspection /

Genre d'inspection: Follow up

Report Date(s) /

Date(s) du Rapport : Jul 13, 2018

Licensee /

Titulaire de permis : 2063414 Ontario Limited as General Partner of 2063414
Investment LP
302 Town Centre Blvd., Suite 300, MARKHAM, ON,
L3R-0E8

LTC Home /

Foyer de SLD : Midland Gardens Care Community
130 Midland Avenue, SCARBOROUGH, ON, M1N-4B2

Name of Administrator /

Nom de l'administratrice

ou de l'administrateur : Debbie Fleming

To 2063414 Ontario Limited as General Partner of 2063414 Investment LP, you are hereby required to comply with the following order(s) by the date(s) set out below:



**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*

Order # /

Ordre no : 001

Order Type /

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

Linked to Existing Order /

**Lien vers ordre
existant:** 2017_420643_0024, CO #001;

Pursuant to / Aux termes de :

O.Reg 79/10, s. 19. (1) Subject to subsections (2) to (4), every licensee of a long-term care home shall ensure that the home is served by a generator that is available at all times and that has the capacity to maintain, in the event of a power outage,

- (a) the heating system;
- (b) emergency lighting in hallways, corridors, stairways and exits; and
- (c) essential services, including dietary services equipment required to store food at safe temperatures and prepare and deliver meals and snacks, the resident-staff communication and response system, elevators and life support, safety and emergency equipment. O. Reg. 79/10, s. 19 (1).

Order / Ordre :



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*

The licensee must be compliant with O. Reg. 79/10, s. 19 (1).

The licensee shall prepare, submit and implement a plan to ensure that the home is served by a generator at all times that has the capacity to maintain the heating system in the event of a power outage.

The plan must include, but is not limited, to the following:

1. When and by whom a load study is to be completed.
2. Describe the steps that will be taken to demonstrate that the home is served by a generator that is available at all times has the capacity to maintain, in the event of a power outage, the heating system that ensures the heating system has the capacity to maintain the required minimum temperature of 22 degrees Celsius. Include how this will be implemented, who will be responsible and dates that specific actions will be achieved.
3. Until such time that the home's generator can supply power to the heating system, describe how the home will have an alternate power supply available in the event of a power outage.

Please submit the written plan, quoting inspection #2018_626501_0010 and inspector Susan Semeredy by email to Toronto SAO.MOH@ontario.ca by July 30, 2018.

Please ensure that the submitted written plan does not contain any PI/PHI.

Grounds / Motifs :

1. The licensee has failed to ensure that the home is served by a generator that is available at all times that has the capacity to maintain, in the event of power outage, the heating system.

On January 29, 2018, a Compliance Order (CO) #001 from inspection #2017_420643_0024 was issued under O.Reg. 79/10, s. 19(1).

The licensee must be compliant with O. Reg. 79/10, s. 19 (1).

Specifically, the licensee shall ensure the following is in place for the home:

1. Ensure a documented record exists on site of which building services are

maintained by the generator that is available at all times; and
2. Ensure that the home is served by a generator that has the capacity to maintain the heating system in the event of a power outage.
The compliance due date was May 25, 2018.

The licensee failed to complete step 2 regarding ensuring the home is served by a generator that has the capacity to maintain the heating system in the event of a power outage.

In relation to intake #002684-18 a follow up inspection for Compliance Order #001 from inspection #2017_420643_0024 was completed.

During an interview with the Environmental Services Manager and Executive Director they told the Inspector that an identified company conducted an investigation to identify which building services were maintained by the generator. They indicated that this investigation showed that the generator had the capacity to maintain the heating system in the event of a power outage. They also explained that their generator would immediately be activated during a power outage and would provide the home with emergency power for three hours. After three hours, another identified company would come and connect the entire building to an auxiliary generator source and the entire building would have power. The ESM and ED gave the Inspector a copy of the letter from the company that conducted the investigation.

A review of this letter dated February 7, 2018, indicated that a few air forced heater units located on the ground floor would be supplied with emergency power. During a telephone interview with the Engineer who wrote this letter, they confirmed that only a few heating units in common rooms on the ground floor would be supplied power in the event of a power outage. The letter also indicated and the Engineer explained that in order to determine the available remaining capacity on the emergency power system, a load study needed to be conducted. However, the Engineer stated that at this time only those few heating units were connected with the emergency power system.

Further interview with the ED indicated that the home had failed to follow up after receiving this emergency power distribution investigation and confirmed that only three heating units on the ground floor would be supplied emergency power in the event of a power outage. These ground floor units were common areas and the ground floor did not have any resident rooms. In the meantime the



**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*

ED stated that they have asked the Engineer for a proposal to do the load study and would be looking into whether the identified company could come to the home to provide auxiliary power within one hour of a power outage.

The severity of this issue was determined to be a level 2 as there was potential harm to residents. The scope of the issue was a level 3 as it related to all residents of the home. The home had a level 4 history as they had a related on-going non-compliance with a Compliance Order this section of O. Reg 79/10, s.19(1) from inspection #2017_420643_0024. Due to the severity, scope and history a compliance order is warranted. (501)

This order must be complied with by /

Vous devez vous conformer à cet ordre d'ici le : Oct 19, 2018



**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, commercial courier 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, 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:

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.



**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 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 de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Toronto ON M5S 2B1
Télécopieur : 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*

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)
151, rue Bloor Ouest, 9e étage
Toronto ON M5S 2T5

Directeur
a/s du coordonnateur/de la coordonnatrice en matière
d'appels
Direction de l'inspection des foyers de soins de longue durée
Ministère de la Santé et 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.

Issued on this 13th day of July, 2018

**Signature of Inspector /
Signature de l'inspecteur :**



**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*

Name of Inspector /

Susan Semeredy

Nom de l'inspecteur :

Service Area Office /

Bureau régional de services : Toronto Service Area Office