



**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 prévue
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

Amended Public Copy/Copie modifiée 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
Nov 23, 2018	2018_626501_0019 (A1)	017859-18	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 4E6

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

Amended by SUSAN SEMEREDY (501) - (A1)

Amended Inspection Summary/Résumé de l'inspection modifié



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durée***

**Upon request from the licensee the compliance due date has been extended to
December 7, 2018.**

Issued on this 23rd day of November, 2018 (A1)

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

Original report signed by the inspector.



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130 Midland Avenue SCARBOROUGH ON M1N 4E6

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

Amended by SUSAN SEMEREDY (501) - (A1)

Amended Inspection Summary/Résumé de l'inspection



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The purpose of this inspection was to conduct a Follow up inspection.

This inspection was conducted on the following date(s): October 25, 26, 29, and 30, 2018.

During the course of the inspection, the inspector(s) spoke with Director of Environmental Services (interim) and the Executive Director.

During the course of the inspection, the inspector reviewed reports from contracted companies.

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

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

**1 WN(s)
0 VPC(s)
1 CO(s)
1 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>

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.

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 compliance due date was May 25, 2018. The home was to:

1. Ensure that a documented record existed on site that described which building services were maintained by the generator that is available at all times; and,
2. Ensure that the home was served by a generator that had the capacity to maintain the heating system in the event of a power outage.

A follow up inspection #2018_626501_0010 was completed and it was found that the home failed to complete step 2 as above. As a result, O.Reg. 79/10, s.19(1) was reissued July 13, 2018, with a compliance due date of October 19, 2018.

The home was asked to submit 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 was to include:

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.

The home was asked to submit the plan by July 30, 2018, and it was submitted July 18, 2018.

During an interview with ED #133, they stated that the home completed a load study and gave the inspector a copy of the report. A review of this report indicated an emergency load study was completed and the report was issued July 30, 2018. This report concluded that the generator would not be able to accommodate any additional loads. However, if elevator and pump controls were redesigned the existing generator could accommodate a specified additional load.



During a further interview with ED #133, they indicated that at first the plan was to purchase a new generator. However, in consultation with another member of their consulting services, remapping the current generator would be possible and would enable the existing generator to maintain the heating system in the event of a power outage. According to the ED, this came to their attention sometime in September or October of 2018 and the current plan is to have this completed by November 23, 2018. The ED did confirm and supplied a copy of an agreement from an identified contractor that states they will provide an alternate power supply to the home in the event of a power outage until April 1, 2019.

The ED acknowledged that currently the home is not served by a generator at all times that has the capacity to maintain the heating system in the event 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”.

(A1)

The following order(s) have been amended: CO# 001

DR # 001 – The above written notification is also being referred to the Director for further action by the Director.

Issued on this 23rd day of November, 2018 (A1)





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

Original report signed by the inspector.



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Ordre(s) de l'inspecteur

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2007, c. 8

Aux termes de l'article 153 et/ou de
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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

Amended Licensee Copy/Copie modifiée du titulaire de permis

Name of Inspector (ID #) / Nom de l'inspecteur (No) :	Amended by SUSAN SEMEREDY (501) - (A1)
Inspection No. / No de l'inspection :	2018_626501_0019 (A1)
Appeal/Dir# / Appel/Dir#:	
Log No. / No de registre :	017859-18 (A1)
Type of Inspection / Genre d'inspection :	Follow up
Report Date(s) / Date(s) du Rapport :	Nov 23, 2018(A1)
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-4E6
Name of Administrator / Nom de l'administratrice ou de l'administrateur :	Kris Coventry

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:



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. O. 2007, chap. 8

Order # /
Ordre no : 001 **Order Type /**
Genre d'ordre : Compliance Orders, s. 153. (1) (a)

Linked to Existing Order /
Lien vers ordre existant: 2018_626501_0010, 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 :

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

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 compliance due date was May 25, 2018. The home was to:

1. Ensure that a documented record existed on site that described which building services were maintained by the generator that is available at all times; and,
2. Ensure that the home was served by a generator that had the capacity to maintain the heating system in the event of a power outage.

A follow up inspection #2018_626501_0010 was completed and it was found that the home failed to complete step 2 as above. As a result, O.Reg. 79/10, s.19(1) was reissued July 13, 2018, with a compliance due date of October 19, 2018.

The home was asked to submit 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 was



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to include:

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.

The home was asked to submit the plan by July 30, 2018, and it was submitted July 18, 2018.

During an interview with ED #133, they stated that the home completed a load study and gave the inspector a copy of the report. A review of this report indicated an emergency load study was completed by McGregor Allsop Limited Consulting Engineers and the report was issued July 30, 2018. This report concluded that the generator would not be able to accommodate any additional loads. However, if elevator and pump controls were redesigned the existing generator could accommodate a specified additional load.

During a further interview with ED #133, they indicated that at first the plan was to purchase a new generator. However, in consultation with another member of Building Services Business Partner, remapping the current generator would be possible and would enable the existing generator to maintain the heating system in the event of a power outage. According to the ED, this came to their attention sometime in September or October of 2018 and the current plan is to have this completed by November 23, 2018. The ED did confirm and supplied a copy of an agreement from Agility Recovery that states they will provide an alternate power supply to the home in the event of a power outage until April 1, 2019.

The ED acknowledged that currently the home is not served by a generator at all times that has the capacity to maintain the heating system in the event 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 related ongoing non-compliance with compliance orders related to O.Reg. 79/10, s.19(1) from inspection #2017_420643_0024 and #2018_626501_0010. 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 :

Dec 07, 2018(A1)



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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

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:



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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 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.



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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



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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 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 23rd day of November, 2018 (A1)

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

**Name of Inspector /
Nom de l'inspecteur :**

Amended by SUSAN SEMEREDY (501) - (A1)



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

Toronto Service Area Office