



**SENIORS FOR SOCIAL ACTION ONTARIO**

**POLICY AND PLANNING BRIEF**

**TO**

**PORT HOPE COUNCIL**

**CONCERNING**

The Planning Rationale in Support of a Zoning By-law Amendment and Site Plan Control Application Prepared By Novatech on Behalf of Southbridge Long-Term Care Facility 65 Ward Street, Port Hope.

October 25, 2021

## **Introduction**

Seniors for Social Action Ontario is an unfunded, volunteer-run group of older adults from across Ontario with decades of professional experience in policy, planning, programming, individual and systemic advocacy. Our members have been active in supporting individuals with complex care needs in the community and assisting organizations to do so. We work collaboratively to research policy, programming, and planning issues that have an impact on older adults and people with disabilities. Our large membership list includes individuals living in Northumberland County who are potential candidates for a long term care institution in the absence of comprehensive community-based in-home, and alternative, small, non-profit neighborhood-based residential care options in Port Hope and throughout the Region. They have a direct interest in what is being proposed, as do other older adults since the outcome in Port Hope has implications for other communities.

## **Scope of This Submission**

This submission is in response to Southbridge corporations' plans to build a seven storey long-term care institution on a residential street in Port Hope. It questions the appropriateness of asking for re-zoning for a project like this in a neighborhood with such a rich historical and cultural past. It also examines what impact a proposal of this nature is likely to have on current residents of long-term care and retirement facilities slated to be relocated, as well as on older adults currently living in the community who may need care, who could become candidates for this new institution.

It is acknowledged that there is a demand for assistance with activities of daily living, personal health care related assistance, and necessary supervision of individuals requiring care within Port Hope and surrounding areas. It is also acknowledged that in the absence of a comprehensive, fully funded Home Care program, and the lack of a range of staffed community-based residential options, Port Hope residents may believe that they have no other options but to support another institution being built.

This current request for re-zoning to build another institution creates some opportunities for both the Town and the Region to steer in a more progressive direction in the provision of long-term care services and supports. The idea that the only choice is to approve this institution in order to expand long-term care in the town is questionable. For this reason, this brief also includes a range of other possible options other than approval of the re-zoning request of a large long-term care corporation with a troubled history in order to build another institution.

## **Why This Zoning By-Law Amendment Would Not Be Appropriate For Port Hope**

### **This Site Is Not Appropriate For the Neighborhood or the Town**

The subject lands are legally described as Lot 21 – 31 of the Smith Estate Plan, also known as 20 Hope Street and 65 Ward Street, bound by Ward Street, Hope Street South, and Princess Street. There are currently several existing structures on the proposed site including Hope Street Terrace, and Port Hope Hospital and the powerhouse building. These buildings have historical heritage value but are slated for demolition. There are also trees sited along the property boundaries. The Port Hope Hospital is a historic building, having been built by the McLean family in 1915. A nurses' training school was also established on the site.

Port Hope has a rich cultural and social history. It has managed to preserve many of its historic streetscapes – one of the things that makes the town so charming and causes tourists to visit. Many streets in the town, including Ward Street, are named for the early pioneering founding families in the area, so the historic, cultural, and tourism value of maintaining its history cannot be underestimated.

The construction of the new institution is expected to take two years, and in the interim Hope Street Terrace and its residents will remain in place. It is proposed that once the new building is finished, residents will be moved to the new site and the old facility and powerhouse will be demolished in order to build a parking lot.

The proponent also plans to demolish the Port Hope Hospital in spite of local opposition and the previous Council having voted unanimously to protect the historic hospital under the Ontario Heritage Act. In 2018 Council voted to remain firm on the original designation of the old hospital property.

The proponent's plans have divided the community and led to considerable controversy. This often happens when a large corporation seeks to develop historic property important to residents in small towns in order to address its business plans and profit agenda.

Southbridge is seeking a zoning amendment in order to:

- increase the maximum permitted building height to seven storeys;
- to vary standards related to refuse storage and loading space locations.

Neither of these requests is appropriate, especially for a residential area with historic significance.

## **Impact of Construction on Residents with Dementia**

The Canadian Institute for Health Information reports that [“within long-term care homes, 69% of residents had dementia in 2015–2016.”](#) There is no reason to believe that this percentage varies significantly for residents of Hope Street Terrace.

Southbridge Care Homes is proposing to almost double the size of an existing long term care facility located at [20 Hope Street South, currently Hope Street Terrace, housing 97 residents in a low rise building.](#) It is seeking to redevelop this and surrounding property with a seven storey 192 bed long-term care institution. This involves demolishing two historic buildings currently on-site, and maintaining the current LTC facility throughout the construction period. There is no discussion in the proposal about the impact on residents of living for two years in what amounts to a construction zone.

Residents with dementia are especially affected by loud noises and changes in environment. It is, therefore, surprising that this problem has not been addressed in this proposal.

[According to the U.K.’s Social Care Institute for Excellence “of all the senses, hearing is the one that has the most significant impact on people with dementia in terms of quality of life. This is because dementia can worsen the effects of sensory changes by altering how the person perceives external stimuli, such as noise and light. As hearing is linked to balance this also leads to a greater risk of falls either through loss of balance or through an increase in disorientation as a result of people trying to orientate themselves in an environment that is overstimulating and noisy.”](#)

Not only does noise affect people with dementia, but there is now also evidence that it [affects the possibility of people developing late-life cognition issues and increases the risk of developing dementia.](#)

Furthermore, [relocation of individuals with dementia has also been shown to have a universally negative impact](#) resulting in a decline in their mental, physical, behavioral and functional well-being as well as an increase in stress which is very problematic for individuals with dementia. This plan involves relocating residents from the Regency LTC facility at 66 Dorset Street East to the new facility and relocating Hope Street Terrace residents once the new building is complete.

Combined exposure of residents to construction noise and disruption and then relocation to a new facility is likely to have a significantly negative impact on individuals with dementia. To not have taken these impacts into account in its planning, Southbridge has exhibited a perplexing lack of understanding and sensitivity as a long-term care provider of how its redevelopment plans might negatively affect current residents.

## **Building a Large Institution Is In Conflict With the Culture of the Town and Region**

[Canada's Dementia Strategy](#) sets out a vision of people with dementia and their caregivers being valued and supported, their quality of life optimized, and the prevention, treatment and understanding of dementia being part of any plan. Safeguarding the human rights of people with dementia and supporting their autonomy and dignity is a significant aspect of this strategy.

In its report, the [London School of Economics \(LSE\)](#) has stated adamantly that institutionalization damages older adults and others needing care, and that it represents an 'extreme form of segregation' that amounts to 'unconscionable discrimination'. Ontario's own history has been rife with institutional abuses and resulting institutional closures, and this has also been true in Northumberland County where an institution for people with developmental disabilities was closed because it was considered no longer appropriate for that population. Why then is it considered appropriate to still institutionalize older adults?

Ontario's policy of excluding and segregating older individuals needing care in institutions when most institutions that were in existence for other groups have now been closed, has provided an opportunity for long-term care companies, operating as real estate investment trusts, to engage in lucrative redevelopment and building projects. But these have come at considerable cost to vulnerable people who face a more likely prospect of being institutionalized should they become ill or disabled.

Everyone deserves to live as independently as possible within a safe, familiar environment. If society takes these values seriously then the many other alternatives to institutionalization of older and disabled people need to be considered and community-based solutions – both in-home and neighborhood-based residential should be embraced. That cannot occur if the only investment is in more institutions – a concept that does not belong in the 21<sup>st</sup> Century. Because an institution is newer does not make it any less an institution replete with the problems that come with institutions – loneliness, isolation, medication errors, inadequate care, falls causing harm or death, abuse, lack of privacy, lack of independence, autonomy and inclusiveness in the community, and routinization. Should a proposal of this nature be approved for Port Hope, all of these problems are likely to follow.

Southbridge is putting the Town and Council in a very difficult position in asking it to rezone an entire piece of property in order to accommodate a seven storey, 192-bed institution in which to "place" human beings who simply need care. It should not be seeking approval from any municipality for what amounts to the warehousing of human beings that originated as [an 18<sup>th</sup> Century poor house concept](#) that has been eliminated for every other group except prisoners.

Far from providing "enhanced long-term care services for those in need within the local and regional community" Southbridge is promoting an outdated, morally unsustainable institutional model of "care" that will meet its economy of scale requirements, but that in the eyes of many, [especially the 96% of Canadians over the age of 65 who have reported that they never want to enter an institution](#) and will do all they can to stay out of one, also violates the human rights of

those forced to live there because they have no choice in the absence of any other community-based care options.

Northumberland is known as a progressive municipality and Port Hope is known as a town that values quality of life, as well as its history. To inject into this culture an outmoded and harmful means of housing vulnerable people is out of step with the culture of the Town and the Region. It is also out of step with a [change in direction some countries](#) are now taking because of the disproportionately high death rates in congregate care facilities and unmet needs for home care.

Queen's University has pointed to the need to shift funding away from institutionalization to in-home care in its [Ageing Well](#) report, also citing the financial unsustainability of continuing to mass institutionalize people who simply need care.

### **This Is Not Just About Land Use Policies**

While it may benefit the proponent to focus only on land use policies, there is a much larger issue facing both the residents of Port Hope and the surrounding area and Council and that is what will be the impact of this large institution being built in Port Hope by this particular corporation.

The experience of other communities where Southbridge facilities have been located may offer a cautionary tale for Port Hope.

### **Orchard Villa, City of Pickering**

Orchard Villa is licensed by Southbridge as a long-term care facility located in a residential neighborhood in Pickering. It has a redevelopment and expansion proposal submitted for that community as well, and it is [facing stiff opposition to its proposal there](#) including the filing of a formal letter by the Official Opposition at Queen's Park urging that the license being requested not be approved.

During the pandemic, [77 people died there, and over 200 were](#) infected. [Families of the dead have filed expanded class actions against this facility and others and Southbridge](#) and they have also [demanded a police investigation](#) of the conditions there. [The Durham Medical Officer of Health, in April, 2020, issued an Order under the Ontario Health Protection and Promotion Act](#) to "address the immediate risk of COVID-19 to residents and staff of the home". Lakeridge Health became involved to protect residents and staff, and conditions were so severe that the Canadian military was also sent into the facility. The result was a [devastating report concerning the conditions there](#) that documented medication errors, residents fed lying down exposing them to the danger of aspiration, lack of supplies resulting in residents sleeping on bare mattresses, residents being left in soiled diapers, among many other problems. Council is urged to read this report about Orchard Villa and what the military found there.

Significant numbers of deaths were recorded at other Southbridge facilities as well. [Of the 14 facilities that lost more than a quarter of their residents, two were licensed to Southbridge.](#)

[Families have filed claims for compensatory negligence, gross negligence, breach of the Occupier's Liability Act, breach of contract/warranty, breach of fiduciary duty, breach of the Ontario Human Rights Code, and wrongful death in the amount of \\$150,000,000.00, as well as punitive and exemplary or aggravated damages in the amount of \\$10,000,000.00 or such other amount as may be proven at trial.](#)

[Families and residents have also filed a lawsuit against Southbridge Roseview in Thunder Bay alleging gross negligence and wrongful death.](#)

### **Southbridge's Record**

There have also been several press reports about Southbridge's record. The [CBC reported that Southbridge and another corporation had higher death rates than their for-profit peers](#). The [Toronto Star reported](#) that Southbridge's modus operandi was to buy up older facilities, save money operating them, then obtain lucrative contracts from the Ontario government to renovate or rebuild them. Because of their concerns about Southbridge's record [families of the dead at Orchard Villa and the Ontario Health Coalition are fighting expansion plans there and Southbridge obtaining a 30 year license to operate](#).

[Southbridge is actually a limited partnership](#) that owns 37 long term care facilities in Ontario. As such it does not disclose its financial reports so the public does not know what its profit margins are.

### **Southbridge's Current Record in Port Hope**

In 2019 the Ontario government all but eliminated comprehensive inspections that were proactive, resorting instead to reactive critical incident and complaint investigations – inspecting after harm had been done instead of inspecting to prevent it. Even in the absence of comprehensive inspections, Southbridge's Hope Street Terrace has not fared well. It has had 4 critical incident inspections and 3 complaints inspections in 2020/21. An inspection in July 2021 resulted in orders being issued against the facility after a resident fell while receiving care and suffered serious harm that warranted transfer to hospital. [The inspectors found a failure to provide care to the resident](#). The same inspection report found that residents were suffering uncomfortable temperatures that were not being consistently recorded. Another inspection report for March, 2021 indicated residents being refused their treatments during the pandemic and their substitute decision makers not being notified. The same report indicated that in spite of there being a pandemic, staff were not following appropriate infection prevention and control protocols. [“All staff failed to participate in the implementation of the IPAC program by not changing their mask upon exit from an identified isolation room, which presented actual risk of infection to all residents.”](#) It was just prior to this report being published, in February, 2021 that [another COVID-related death was reported at Hope Street Terrace](#).

In inspection reports in 2020, there were [complaints about lack of pain management, staff to resident neglect, staff not collaborating with a physician in implementing care plans, issues concerning management of skin conditions, the facility not being equipped with a resident-staff](#)

communication system, lack of documentation concerning continence care, nutrition and hydration, skin and wound care and skin condition not being assessed, issues of medication being improperly given etc.

CBC Marketplace has also reported that Hope Street Terrace was the subject of a call for a criminal investigation by a family member. “Beverley Haines died in February of this year, only six weeks after she moved into Hope Street Terrace in Port Hope, Ont., because of large bedsores she sustained at the home. Sparky Johnson and Sherry Schernitzki, Haines's niece, are fighting to have the home's administration held criminally responsible for her death.”

It is impossible to know how widespread these problems were since complaint and critical incident investigations are narrowly confined to only those residents mentioned in the complaint or incident.

It should come as no surprise, in light of this facility’s inspection history, that Hope Street Terrace was hard hit by COVID with 5 residents tragically losing their lives.

What this does point to is a repeat of problems found by inspectors elsewhere in Ontario in Southbridge facilities – care-related problems that are not addressed by simply building a more modern institution. Care is related to the expertise of clinical staff, effective staff supervision practices, adherence to provincial regulation, and an administration that demands accountability when it comes to resident care - none of which are tied to whether or not a building is new or old.

### **What Alternatives Are Possible?**

It is not necessary for Council to approve Southbridge’s application in order for residents of the current Hope Terrace facility to receive better care, or for current residents of the community to obtain care. Numerous alternatives exist if Port Hope and the Region were to partner to implement them.

The City of Waterloo completed an Environmental Scan with assistance from grad students at the University of Waterloo outlining a range of residential alternatives to institutions. From creation of Pocket Neighborhoods (for which the current site would be ideally suited) to staffed community residences that are neighborhood-based (similar to what is currently in place for people with developmental disabilities – many of whom have complex care needs – see Rygiel Supports For Community Living in Hamilton <https://rygiel.ca/> and the efforts of the Rygiel Housing Corporation - <https://rygiel.ca/housing-corp/>) to village concepts, older adults requiring assistance could be supported with much more respectful, humane, and inclusive options.

Located within blocks of the site, a 5 bedroom home is available for purchase as are several lots. Residences constructed or renovated on these sites could house 30 of the 97 people currently in Hope Street Terrace within the community in staffed community residences built or renovated to include safe areas to wander in back gardens, universal design principles built in, and trauma informed care programming provided to individually address the needs of people with dementia – please see SSAO’s research papers on this:

[https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/50033d\\_c5ef225137764b0ba6dc2361e12ffcf7.pdf](https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/50033d_c5ef225137764b0ba6dc2361e12ffcf7.pdf)

[https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/c73539\\_285588a00ef3436a92a165615914c395.pdf](https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/c73539_285588a00ef3436a92a165615914c395.pdf)

Similarly numerous lots are currently available in Cobourg from [Cedar Shore](#) in an idyllic setting close to the lake. These would be ideal for the creation of a village concept similar to Guelph's Village by the Arboretum - a community comprised of single family bungalows and low rise condos. It could include Home Care staffing for the community and a partnership agreement with local [family health teams that include nurse practitioners](#).

Care can be provided in a range of residential settings as has been demonstrated for many other groups – some with complex care needs. It does not have to be provided only in institutions.

Costs for community-based care and institutional care are similar:

[https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/c73539\\_daf97f936a02457b904c69a468382b4f.pdf](https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/c73539_daf97f936a02457b904c69a468382b4f.pdf)

A Hub and Spoke model has worked well in Peel Region and could be implemented in Northumberland Region - [https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/50033d\\_b5214dc0d4d24a83a7fd22a12e74f742.pdf](https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/50033d_b5214dc0d4d24a83a7fd22a12e74f742.pdf)

Institutions, especially those operated for-profit which have been shown to have [higher death and infection rates](#) than municipally-operated and non-profit facilities are dangerous places for older adults and people with disabilities to live because of the ease with which infection spreads there. And they provide an illusion of care - [https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/c73539\\_52064c8d58f04f9bba28785a4e76772d.pdf](https://d5bb3c6f-31a3-47ef-a85b-5c06ab03f844.filesusr.com/ugd/c73539_52064c8d58f04f9bba28785a4e76772d.pdf)

There is no need for Port Hope Council to approve this proposal in order to ensure expanded long-term care services for local residents when other more progressive, humane and respectful alternatives could easily be developed within the same time period in partnership with the Region. SSAO urges Port Hope Council and Northumberland Region to take this progressive step to develop 21<sup>st</sup> Century long-term care solutions for its populace rather than simply approving the zoning request of a large corporation with a questionable track record that would undermine the historic and cultural traditions of the town.

Residents of Port Hope deserve better.

Thank you for allowing us to share with you our perspective on and opposition to this proposed development.

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