

APRIL 23, 2024 LONG-TERM CARE HOMES TOWN HALL

Key Takeaways:

- Justice E.M. Morgan of the Superior Court of Justice for Ontario certified class actions against 6 corporate chain operators of Long-Term Care Homes.
- The certified class actions include all residents, visitors/volunteers who contracted COVID-19 (and the family members of those who were infected) at a long-term care home operated by Chartwell, Extendicare, Responsive, Revera, Schlegel or Sienna.
 - The class action covers the period of time from January 25, 2020 to May 5, 2023.
- Justice Morgan did not certify 2 class actions against operators of Municipal and Independently Owned Long Term Care Homes but granted permission to file new class actions against specific defendants, which the lawyers are considering on a case-by case basis.
 - These actions can only be advanced if suitable representative plaintiffs come forward.
 - A list of the homes is at the bottom of this handout.
- A separate class action about Long-Term Care Homes against the Ontario government is not affected by this decision.

What are the Long-Term Care Home Operators Class Actions about?

- Residents, visitors, and families of people who suffered from COVID-19 as a result of the alleged gross negligence of owners and operators Long-Term Care Homes from January 25, 2020 to May 5, 2023 brought 8 class actions against the companies and municipalities who owned and operated their long-term care homes.
- The theory of these cases overlapped. In all of them, the theory was that the vast majority of COVID-19 deaths and infections in long-term care homes could have been prevented if timely and proper infection prevention and control procedures and pandemic plans had been in place.

How far along are the Long-Term Care Home Operator's Class Actions?

- The recent court decision was to determine whether the 8 proposed class actions could be “certified” to move forward as class actions.

Certified Actions:

- Class actions were certified against the following corporate chains:
 - Chartwell
 - Extendicare
 - Responsive
 - Revera
 - Schlegel
 - Sienna

- The court certified common issues about gross negligence, meaning that, at a future common issues trial, a court will have to answer several questions about gross negligence that apply across all Class Members.
- The court **removed** several entities from the above 6 actions.
 - These were separate companies, unrelated to the corporate chains, which owned, managed, or held the licenses for homes operated by the big corporate chains but were not considered to be a part of the larger corporation (a list of these entities is included at the bottom of this handout).

Non-Certified Actions:

- 2 of the class actions were **not** certified to proceed in the proposed class action format:
 - Municipal Homes
 - Independently Owned Homes
- For the above 2 actions, the judge permitted the plaintiffs' lawyers to refile the lawsuits and proceed if suitable representative plaintiffs come forward.

What happens next in the actions against the Long-Term Care Home Operators?

- The **Revera and Responsive** actions will proceed as class actions:
 - The court will approve formal notices to class members which will explain their rights in greater detail.
 - A settlement may be reached at any time in the proceedings.
- **Chartwell, Extencicare, Schlegel, and Sienna** filed a motion asking the court to grant "leave" (meaning permission) to appeal the certification decision.
 - The leave to appeal motion will be decided in mid-August. It will be entirely in writing.
- Lawyers for the plaintiffs are reviewing evidence and considering filing against the smaller entities that were removed from the big 6 corporate chain actions separately, if appropriate.
- **The non-certified actions against the Municipal and Independently Owned Homes** will be discontinued, **but** the lawyers for the plaintiffs are reviewing the evidence in these actions and **are considering filing standalone actions against each defendant if suitable representative plaintiffs come forward.**
 - A list of the homes involved in these actions is included below – anyone interested in acting as a representative plaintiff on behalf of residents, visitors or family members of visitors and residents in those homes is invited to reach out **as soon as possible** using the contact information below.

What is the Class Action against the Ontario Government about?

- Aside from the Long-Term Care Home Operators' Class Actions, there is a **separate** class action against the Province of Ontario for its role in the spread of COVID-19 in Long-Term Care Homes in Ontario.
- The government class action differs from those against the long-term care home operators:

- The Class includes all LTC residents and their families (no visitors) – no matter which Ontario Long-Term Care home they were at.
- The Class is not limited to those who were infected with COVID-19, but it is possible that it will eventually be narrowed to just those individuals.
- The class action against the government was certified in December 2022 and then upheld by the Court of Appeal in February 2024.
 - Ontario is currently seeking leave to appeal to the Supreme Court of Canada, and the leave application should be determined in the next several months.
- Questions about the government action can be addressed to Rochon Genova LLP.

Who do I contact for more information?

- If you are interested in coming forward as a representative plaintiff, or if you would like more information, please feel free to contact:

Michael Reid at Will Trial Lawyers:

Email: mreid@willtriallawyers.ca

Tel: 905-337-9748 or (toll free) 1-866-503-8757

Aylin Manduric at Rochon Genova LLP:

Email: contact@rochongenova.com

Tel: 416-548-9874 or (toll-free) 1-800-462-3864

LONG TERM CARE HOMES NOT INCLUDED IN THE CERTIFIED ACTIONS

Municipal Homes:

City of Toronto

- Cummer Lodge
- Kipling Acres
- Lakeshore Lodge
- Seven Oaks
- Wesburn Manor
- Fudger House

Regional Municipality of Peel

- Sheridan Villa
- Peel Manor

City of Ottawa

- Peter D. Clark Centre

County of Essex

- Sun Parlor Home for Senior Citizens

Region of Durham

- Hillsdale Terraces

Corporation of the County of Hastings

- Hastings Manor Home for the Aged

Independently Owned Homes:

- River Glen Haven Nursing Home
- Downsview Long Term Care Centre
- Burton Manor
- Pinecrest (Bobcaygeon)
- Grace Manor
- Faith Manor
- Hellenic Home Scarborough
- St. Clair O'Connor Community Nursing Home
- PeopleCare A.R Goudie Kitchener
- Royal Rose Place
- Meadow Park (London).
- Heron Terrace Long-Term Care Community
- Villa Colombo Seniors Centre (Vaughan).
- Valleyview Residence
- Almonte Country Haven
- Bethany Lodge
- Élisabeth-Bruyère Residence

- Residence Saint-Louis
- The Kensington Gardens
- Kristus Darzs Latvian Home
- Markhaven
- Mon Sheong Home for the Aged
- Wellesley Central Place
- Sherbourne Place
- Garden Court Nursing Home
- St. Joseph's at Fleming
- St. Joseph's Villa, Sudbury
- The Jewish Home for the Aged
- Greenwood Court
- Trinity Village Care Centre
- Ukrainian Canadian Care Centre
- Providence Healthcare Long-Term Care Home
- Vision Nursing Home
- Perley and Rideau Veterans' Health Centre
- St. Patrick's Home of Ottawa
- Elm Grove Living Centre
- Kensington Village
- Isabel and Arthur Meighen Manor

STANDALONE ENTITIES WITH HOMES STILL IN THE CERTIFIED ACTIONS

Chartwell

- Del Care LTC Inc.
 - Cawthra LTC Residence
- LiUNA Local 837 Nursing Home (Ancaster) Corp.
 - Regina Gardens LTC Residence
- LiUNA Local 837 Nursing Home (Hamilton) Corp.
 - Queen's Garden LTC Residence
- Mississauga Italian Canadian Benevolent
 - Villa Forum

Extendicare

Southbridge Homes:

- Southbridge Health Care GP Inc.
- Southbridge Care Homes Inc. (general partner of Southbridge Care Homes LP)
- Southbridge Healthcare LP
- CHV (No. 1) LP
 - Craiglee Nursing Home
 - West Park Health Centre.
- CHV (No. 2) LP
 - Maitland Manor
 - Country Lane LTC Residence
 - Birchwood Terrace Nursing Home
 - Georgian Heights
 - Parkview Manor Health Care Centre
- CHV (No. 3) LP
 - Chelsey Park
 - Maple View
- CHV (No. 4) LP
 - Manoir Marochel (Marochel Manor)
 - Pinecrest Nursing Home
- CHV (No. 5) LP
 - Country Village Homes
 - Woodslee
- CHV (No. 6) LP

- Hope Street Terrace,
- Orchard Villa Long Term Care
- Port Perry Place
- Parisien Manor
- Regency Long Term Care Home,
- Warkworth Place
- The Palace
- CHV (No. 7) LP
 - Bayfield Manor
- 1942454 Ontario Inc. (owns 79% of CVH (No. 7) LP)
 - Bayfield Manor
- CHV (No. 8) LP
 - Seaforth Long Term Care Home,
 - Shelburne Long Term Care Home
 - Errinrung Long Term Care Home
 - Queensway Long Term Care Home
- CHV (No. 9) LP
 - Southbridge Lakehead
 - Southbridge Pinewood
 - Southbridge Roseview
- Halton Healthcare LTC Inc.
 - Wyndham Manor Long Term Care Centre
- Southlake Residential Care Village
- Tendercare Nursing Homes Limited
 - Tendercare Living Centre
- Villa Colombo Homes For The Aged Inc.
- West Park Healthcare Centre
- F.J. Davey Home
- Land O'Lakes Community Services
 - Pine Meadow Nursing Home
- The Board of Management for the District of Manitoulin
 - Manitoulin Centennial Manor
- Trillium Health Partners

- McCall Centre Long Term Care

Responsive

- Cooksville Care Centre
- Eatonville Care Centre
- Hawthorne Place
- Anson Place
- Vermont Square
- Earls Court Village
- Bon Air LTC Residence
- Champlain LTC Residence
- Lancaster LTC Residence
- Niagara LTC Residence
- Ina Grafton Gage Home

Revera

- Baywood Place Operating Inc.
- Carlingview Manor Operating Inc.
- Dover Cliffs Operating Inc.
- Elmwood Place Operating Inc.
- Hanover Operating Inc.
- Heartwood Operating Inc.
- Humber Valley Terrace Operating Inc.
- Stoneridge Manor Operating Inc.
- Harold and Grace Baker Centre

Schlegel

- N/A – No standalone entities

Sienna

- Friuli Long Term Care
- Spencer House Inc.
- Woods Park Centre Care Inc.

LONG-TERM CARE HOME OPERATORS – CONSORTIUM OF PLAINTIFFS’ LAWYERS

ROCHON GENOVA LLP

Barristers • Avocats
121 Richmond Street West, Suite 900
Toronto, ON M5H 2K1

HIMELFARB PROSZANSKI

Barristers & Solicitors
480 University Avenue, Suite 1401
Toronto, ON M5G 1V2

**CERISE LATIBEAUDIERE LAW
PROFESSIONAL CORPORATION**

Barrister & Solicitor
69 Delaware Avenue
Toronto, Ontario M6H 2S9

DIAMOND & DIAMOND LAWYERS LLP

255 Consumers Road, Suite 500
Toronto, ON M2J 1R4

NEINSTEIN LLP

1200 Bay Street, Suite 700
Toronto, Ontario M5R 2A5

WILL TRIAL LAWYERS LLP

Barristers & Solicitors
1464 Cornwall Road, Suite 4
Oakville, Ontario L6J 7W5

THOMSON ROGERS

Barristers and Solicitors
390 Bay Street Toronto, Suite 3100
Ontario M5H 1W2

TYR LLP

160 John St - Suite 500
Toronto, ON M5V 2E5