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Retirement home that neglected residents loses its licence

In Touch Retirement ordered to shut its doors three years after undercover Star investigation revealed filthy conditions and mistreatment of vulnerable residents.



Dale Brazao / Toronto Star

Provincial inspectors found that In Touch retirement home in Weston is poorly staffed and lacks policies to deal with fire emergencies, or to ensure the general safety and security of its vulnerable residents.

By: [Dale Brazao](#) News, Published on Fri Nov 22 2013

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A Weston retirement home that abused and neglected several of its residents, many of whom suffer from dementia, has lost its operating licence.

The decision comes three years after an undercover Star reporter [exposed the horrid conditions and profound neglect endured by the 18 residents](#) living at In Touch Retirement in the Weston Rd. and Lawrence Ave. area.

More from the Star's investigation:

[Reporter's diary reveals substandard conditions at retirement home](#)

[Watchdog urged for Ontario's retirement home](#)

[Special Report: Nursing Homes](#)

The owner-operator, Elaine Lindo, lied and misled retirement home inspectors, the Licence Appeal Tribunal has found in upholding a decision by the provincial regulatory body not to issue a retirement home licence to In Touch.

Inspectors found the home is poorly staffed and does not have policies in place to deal with fire emergencies, or the general safety and security of its vulnerable residents. The home also did not record or report incidents of resident-on-resident violence, the tribunal found.

A Star reporter posing as a down-on-his luck drifter spent a week at In Touch Retirement in September 2010. What he witnessed and chronicled in a front-page story in the Star was enough to make anyone sick.

People left in urine- and feces-soaked diapers for hours. No toilet paper in any of the washrooms, forcing residents to wipe themselves with their hands or dirty communal towels. Bad food. No programs of any kind. Poorly trained and underpaid staff, with just one overnight employee.

The undercover investigation and other Star stories on the then unregulated retirement home industry had a profound effect on many, including premier Dalton McGuinty, who promised to toughen legislation already in the works to better police the industry and protect the residents.

When In Touch applied for a license under the new [Retirement Homes Regulatory Authority \(RHRA\)](#), the home was refused, leading to an appeal and the ruling from the appeal board.

Attempts to seek comment from Lindo were met with a “please get off this property” through the home’s intercom. Lindo refused to come to the phone when summoned by a staffer, and did not answer a written request for comment left in the mailbox.

Specifically, the Star wanted to know what will happen to the residents now that the tribunal has upheld the decision not to grant In Touch a licence.

Lindo has 30 days to appeal to the courts. As of now, she has not notified the retirement home authority of whether she plans to comply with the order to cease operating. If In Touch has six residents, the majority of whom are 65 or over, and is offering two or more care services covered by the legislation, then it is considered to be a retirement home.

If In Touch continues to operate beyond the appeal period, it will be deemed to be operating illegally and the authority may then apply to the courts for enforcement of the order, said Mary Beth Valentine, the retirement home authority’s registrar. The penalties for operating illegally run to a \$50,000 fine and jail time.

“This is an important case. It also sends a message to other people,” Valentine told the Star. “That’s why we made the decision, for the safety and protection of the residents.”

Under new regulations, retirement homes in the province had until July 2012 to apply for new licences issued by the self-regulating body. Those who met the deadline were “deemed licensed” until their applications could be formally reviewed.

A visit by inspectors to In Touch in January to assess the home’s readiness to comply with the new Retirement Homes Act found it had “no verifiable policies relating to zero tolerance of abuse, no internal complaints policy and no emergency plan.”

Inspectors were also concerned that Lindo was overseeing the administration of medicine for residents, which she is not qualified to do under the law.

In Touch was denied a licence in July. Lindo appealed to the province’s licensing tribunal, which held a six-day hearing into the matter. Past and current employees testified about conditions in the home. Lindo represented herself at the hearing.

Among the allegations of abuse and neglect levelled against the home, according to tribunal documents, was one concerning a resident whose accommodation consisted of a small loveseat by the elevator. At the hearing regarding her licence, Lindo testified that the man was assigned a room but preferred to sleep on the couch in the corridor.

Her evidence was contradicted by both current and former staffers who testified that the man did not have any assigned room. One of them produced photographs showing the man sleeping with his feet dangling over the side of a loveseat that was obviously too small for him.

The tribunal also heard that In Touch had no emergency plan to deal with residents who routinely went missing from the home, relying instead on police resources to track them down. One resident went missing four times, including an overnight incident when 20 police officers were involved in searching for him.

The tribunal heard that inspectors also looked into a complaint about a resident who was injured when pushed from his walker to the ground by another resident, but they could not find any record of the incident. Provincial regulations require all incidents of resident-on-resident violence to be recorded and reported. Lindo told inspectors she didn't know she was required to do so.

At the time of the inspections, Lindo said she indeed had policies on abuse and neglect of residents in a binder "somewhere" that she could not immediately locate, according to tribunal documents. At the hearing, she said the policies were on a computer but could not be produced at that time because the printer was broken.

One former staff member and one current staffer testified at the tribunal that they had been provided with minimal or no training. Both testified that they worked alone on night shifts and had never been involved in a nighttime fire drill.

When the current employee was asked what she would do if a fire broke out, she testified that she would try to involve able-bodied residents in removing the disabled ones. "She conceded that most residents with mobility issues live on the second floor and it would be difficult to evacuate them in the event of a fire," the adjudicator wrote.

In upholding the retirement home regulator's decision not to grant a licence, the tribunal had harsh words for Lindo, who claimed she was a victim of discrimination. The tribunal listed several instances when Lindo had either lied or attempted to mislead inspectors.

Lindo — who testified that she finds most of her clients on the streets and in hospital wards, then offers them care in exchange for their assignment of their pensions — argued that the licensing authority has no business delving into her past.

On the personal history portion of her application, Lindo denied she had ever been charged with a criminal offence or had a criminal record. Subsequent investigations revealed Lindo was charged and found not guilty of assault, but was convicted of failing to comply with an order not to be within 100 metres of In Touch Retirement.

"Ms. Lindo justified her response by explaining that her lawyer directed her to plead guilty and she did not feel that she had a choice," tribunal adjudicator Laurie Sanford wrote. "She was in jail at the time and felt that her life was in danger unless she pled guilty and got out."

The tribunal noted Lindo put down two different places of birth in her applications for police clearance certificates, a requirement of anyone wishing to work with vulnerable people. On one application in 2006, she wrote England. In another earlier this year, she listed Jamaica as her birthplace. "She initially explained the difference to the (retirement homes authority) by saying Jamaica was a British colony," the tribunal said.

"Ms. Lindo's deception of the (authority) on her application with respect to her past criminal charges and conviction raises obvious concerns about her ability to operate a retirement home with honesty and integrity," Sanford wrote.

While In Touch has been ordered to cease operations, the tribunal noted that “what appears to be a gap in the Act has the potential for leaving the residents of In Touch Retirement unprotected.”

While legislation mandates procedures to be followed in cases where homes voluntarily cease operation, including notification and an orderly transition of residents to alternative accommodation, no such mandate exists in cases where a licence is refused or revoked.

“It is the tribunal’s hopeful expectation that the RHRA will enlist the support of alternate retirement homes or other community resources to address the need of the residents of In Touch Retirement as it ceases to operate as a retirement home,” it noted.

Valentine said the authority has already started doing that.

Lindo has been sent a letter advising her to begin winding down her operation. Inspectors will also be sent to the home to ensure Lindo has advised residents of the situation and to ascertain whether the home is complying with the order.