

Joel Harden

MPP - Ottawa Centre

Trespass Orders Round Table Discussion Report

Background

On December 5, our office hosted a round table discussion for family members affected by the use of trespass orders to exclude them from retirement or long-term care homes after speaking out about their loved ones' living conditions. Following a CBC Marketplace report on this practice, I called on the Minister for Seniors and Accessibility to investigate this practice in my capacity as official opposition critic for seniors.

Since then, our office received numerous calls or emails from people who have been excluded from retirement homes, long-term care facilities, and even some group homes. Given the level of interest, we decided to host a round table discussion where those barred from homes by the use of a trespass order could come together and share their stories.

In total, 18 people took part including several via teleconference from across Ontario. The participants included family members of retirement home, group home, long-term care and continuing care facilities, as well as some current and former retirement home residents.



What We Heard

Certain themes came up over and over during the course of our conversation. A number of participants singled out a “culture of fear” that some operators cultivate. The threat of a trespass order to keep family members apart from their loved ones is a powerful deterrent to raising concerns about conditions in the home.

Another theme raised consistently was that the use of trespass orders by management constitutes an “abuse of power”. Several participants spoke about how despite never even raising their voice, the simple fact that they raised a concern about the home was enough to earn them a ban.

For example, one family member spoke about how she was issued a trespass order after bringing up a broken elevator and issues with meal time at a “food for thought” meeting with management. In response, she received a hostile phone call from the owner and was banned the following day. As a result, her parents decided to move back in with her rather than be separated indefinitely.

Two retired nurses with loved ones in Ottawa long-term care facilities joined us for the conversation. Their backgrounds made them especially observant of any problems related to their mothers' care. Both of them brought problems to the attention of management, and both were handed trespass orders in response, one of whom was unable to visit her mother for 16 months.



While the majority of people we heard from spoke about their experiences with retirement homes or long-term care centres, some participants shared similar stories from group homes or continuing care facilities.

One woman in St. Catherine's talked about how she has been banned from visiting her son who has cerebral palsy for 6 months after being issued with a trespass order. Another mom from Cornwall mentioned how she was constantly under threat of being banned from her son's group home, until one day he was dropped off at her doorstep by the agency without any notice whatsoever.

We also heard from the lawyer of Mary Sardelis, whose experience with being served a trespass order by an Ottawa retirement home was featured in the Marketplace investigation. Mary's lawyer was keen to emphasize that the use of trespass orders by retirement home or long-term care operators is illegal, something that the Advocacy Centre for the Elderly (ACE) has also said repeatedly.

The reason for this is that residents have a right conferred by law (either the Retirement Homes Act or the Long-Term Care Homes Act) to receive visitors of their choosing. Moreover, a long-term care or retirement home is exactly that, a home. Therefore, residents have equal occupancy status and management cannot unilaterally exclude their visitors from the premises.



One of the points that was raised at the meeting is the fact that in Ottawa, there is no mandatory training for police officers on the use of trespass orders in long-term care or retirement homes. Toronto, on the other hand, has had this training for years. It was suggested that Ottawa's new chief of police could be approached about introducing this kind of training for the Ottawa Police Service (OPS).

Participants also noted a general lack of education and awareness about the rights of residents and their family members. To this end, another recommendation from the meeting was the creation of "know your rights" educational materials for residents and family members at retirement homes or long-term care facilities. ACE has produced this guide on accessing residents in long-term care homes.

Finally, the need for stronger enforcement of both the Retirement Homes Act and the Long-Term Care Homes Act by regulatory authorities was brought up repeatedly.

Next Steps

In response to the points raised about enforcement, we met with the Retirement Homes Regulatory Authority (RHRA) who informed us that they are increasing the number of inspectors in the Ottawa-area. I also plan on reaching out to Chief Peter Sloy in order to discuss the possibility of Trespass to Property Act and elder abuse training for members of the OPS.

We will continue calling for the government to take action on the use of trespass orders by some retirement home and long-term care facility operators. We'll also work closely with Teresa Armstrong, the official opposition critic for long-term care, to ensure that both the Ministry of Seniors and Accessibility and Ministry of Health and Long-Term Care are being held accountable.

It's important that while we stand up for the rights of residents and their loved ones, we don't forget about the workers in the industry who are overworked, underpaid and undervalued. We must avoid a situation where residents' families and PSWs are pitted against each other. In the months to come, we will broaden the discussion by talking with front-line workers about how we can raise the working conditions of PSWs, and the living conditions of residents.

Finally, I want to sincerely thank everyone who participated in our December 5 round table, and for your courage in sharing heart-wrenching stories that will help us advocate for change.

Stay Connected

Community Office:

109 Catherine St.
Ottawa, ON. K2P 0P4

Phone: (613) 722-6414

Email: JHarden-CO@ndp.on.ca

Social Media:

[Facebook.com/JoelHardenONDP](https://www.facebook.com/JoelHardenONDP)

[Twitter.com/JoelHardenONDP](https://twitter.com/JoelHardenONDP)

Instagram: [joelhardenondp](https://www.instagram.com/joelhardenondp)

www.joelharden.ca