

Class Action Launched on Behalf of Residents of 96 Ontario Long-Term Care Homes

TORONTO, July 29, 2020 – A class action has been launched on behalf of the residents of 96 long-term care homes in Ontario that experienced devastating COVID-19 related outbreaks and their family members and estates.

The proposed action seeks damages from the owners and operators of long-term care homes arising from their alleged negligence, breaches of fiduciary duty and breaches of section 7 of the *Canadian Charter of Rights and Freedoms*. Sienna Senior Living Inc. and the City of Toronto are named as proposed Representative Defendants. The government of Ontario will be added as a defendant once the 60-day notice period expires.

Innis Ingram, an advocate for long-term care home residents and one of the nine proposed Representative Plaintiffs, said: “This class action seeks accountability from long-term care providers with regards to their mishandling of the COVID-19 pandemic. The inaction and slow response time needlessly cost many lives and has seriously impacted countless more. This suit will hopefully be a catalyst for the change that is overdue in the long-term care system, which has been neglected for far too long.”

The Claim alleges that the government of Ontario and the Defendant owners and operators of long-term care homes ignored numerous red flags and failed to adopt timely and reasonable infection prevention and control measures to avoid exposing the elderly to the risk of infection with COVID-19. It also alleges that long-standing deficiencies in Ontario’s long-term care system made these facilities ripe for infectious outbreaks, for which neither the government nor the homes were prepared. It further alleges that the Defendants negligently and recklessly adopted *ad hoc* and inadequate measures that exposed this elderly population to the risk of infection.

Joel P. Rochon, co-lead counsel in the proposed class action, stated: “This is not a case where it is appropriate to cherry pick certain homes arbitrarily, leaving hundreds, if not thousands, of the most vulnerable members of society unrepresented. The regrettable truth is that the outbreaks at these homes were entirely preventable”.

The action is brought by Rochon Genova LLP, Himelfarb Proszanski and Cerise Latibeaudiere Law Professional Corporation. For more information, please contact Jon Sloan at jsloan@rochongenova.com or 416-363-1867 x 299.

A comprehensive list of all long-term care facilities included in the Claim can be found at RochonGenova.com, himprolaw.com and himpro.ca.