



Justice Centre
for Constitutional Freedoms

June 30, 2020

VIA EMAIL

Nanaimo Seniors Village

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Eden Gardens

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Dear Sir/Madam,

RE: Essential Visitation for Residents in British Columbia Long Term Care Homes

Our office is in communication with families with relatives in your facilities and we write to put you on notice of their objection to the continued isolation of their relatives. The indefinite confinement of residents, and overbearing restrictions on visits, especially those classified as “essential visits,” have exacted a terrible toll on seniors and their families. The forced isolation without adequate visitation means your long-term care homes are substantially devoid of meaningful outside accountability. This has permitted conditions of indifference to fester while the residents deteriorate from neglect, despair and loneliness.

As you are aware, family members often serve as caregivers for residents, compensating for the lack of proper care caused by staffing deficiencies. Even when facilities are able to provide adequate care, staff cannot deliver the same level or kind of love, support and personal attention that a family member is able to provide. Physical health, while important, is only one facet of a person’s overall well-being. As long-term care facilities, you have an obligation to care for the residents’ mental and emotional well-being, as well as their physical health.

In the May 19, 2020 Ministry of Health communication to the British Columbia Health Authorities regarding Infection Prevention and Control for Novel Coronavirus (COVID-19), health authorities

were told to restrict visitors to essential visits only. According to reports, however, your facilities are prohibiting *all* visitation, regardless of whether that person objectively qualifies as an essential visitor. According to the Ministry's communication, essential visits can include, but are not limited to, visits "paramount to the patient's physical care and mental well-being", including "assistance with feeding...mobility...personal care...communication assistance" and the "provision of emotional support".¹

The same family members of residents that provide the support that the Ministry of Health describes as essential are being prohibited access to their loved ones by your facilities. Families are concerned that the dire situation is worsening as isolation continues.

For example, one family member writes about her husband of many decades:

I was with him every day as a caregiver, supporter and advocate throughout his struggle with early onset Alzheimer's. He now lives locked down and isolated. Lockdowns and isolation were necessary initially for our elders' safety, but now, Island Health tells us there have been no Covid 19 outbreaks here for the past 6 weeks.

Another family member writes about her husband suffering from dementia:

My husband started to get anxious and aggressive because he could not see me. I used to go in every day at supper time and help him with his care. He misses me and does not understand why I have not been in to see him...he thinks I have dumped him there. He wants to see me, have me hold his hand, look him in the eye and tell him I love him, and everything will be okay.

Someone else says her brother went to visit their mother "every single day, he never missed once in 2 years." She continues:

He would take our mom for a walk, bring her healthy snacks, supplement her dinner with a salad and beets and also fresh fruit for breakfast and lunch. These daily visits helped our mom to stay focused and remember us. These visits were crucial for her mental state and psychological well being.

Our office is inundated with similar stories from desperate people.

The forced isolation of seniors in your care is blurring the lines between long-term care and incarceration. These seniors are suffering from loneliness, depression, anxiety, neglect, lack of exposure to the outdoors and physical exercise, lack of loving interaction with family and loss of dignity. Due to your practices, your residents are suffering a profound and ongoing violation of their constitutional rights to liberty and security of the person as protected by section 7 of the

¹ <https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/reports-publications/covid-19-infection-prevention-control.pdf>

Charter, as well as a violation of the Residents' Bill of Rights as protected in section 7 of British Columbia's *Community Care And Assisted Living Act*. These infringements are inexcusable, unjustifiable, inhumane and illegal.

We demand that your facilities lift these destructive and *Charter*-violating restrictions by Friday, July 3, 2020 such that family members who provide essential care and support, by the Ministry of Health's own definition, be permitted to once again visit their loved ones and provide the basic care and love that every person deserves by virtue of their inherent dignity as a human person.

We are prepared to take legal action if your facilities continue to prevent access.

Govern yourself accordingly.

Sincerely,



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"Defending the constitutional freedoms of Canadians"

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Hon. Adrian Dix, Minister of Health, HLTH.Minister@gov.bc.ca
Stephen Brown, Deputy Minister of Health, hlth.dmoffice@gov.bc.ca