

# Family sues over senior's death after 'trust was broken'

Grandmother was one of 34 residents who died at Sienna-run care home

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Tara Barrows feels her late grandmother Dorritt Paul, a 102-year-old double-leg amputee, deserved better.

The spry centenarian, who is survived by seven children, 12 grandchildren and 11 great-grandchildren, was one of 34 residents at Sienna Senior Living Inc.'s Weston Terrace Care Community who died of COVID-19.

"After my grandmother passed away, we had a lot of questions and concerns and didn't have the answers," said Barrows, whose grandmother lived at the 18-year-old, 224-bed long-term-care home at 2005 Lawrence Ave. W. for just over two years.

Determined to honour her grandmother's life and ensure other families don't have to go through what they did, Barrows, along with her mother Jocelyn, has filed a class-action lawsuit against Sienna Senior Living Inc. The allegations of the lawsuit have not been tested in court.

Barrows said, among other things, communication between the home and the families of its residents was a serious and ongoing problem during the pandemic. Barrows said in the last five months it was especially challenging to get information about her grandmother's condition and to raise concerns about her care.

Barrows said back in late April she learned Humber River Hospital came in to test all of Weston Terrace's residents for COVID-19. At that time, her grandmother, who resided on the third floor, tested negative. However, knowing the illness was running rampant in many long-term-care homes, Barrows said her family remained concerned and wanted to know if workers there were infected.

"The home refused to provide more information," said Barrows, who said her grandmother started sharing concerns about the level of care she was receiving with her relatives.

Barrows said her grandmother spoke about showers that were not happening when expected, meals that didn't arrive and one instance where she ac-

cidentally soiled herself but wasn't cleaned up for several hours.

"Every day it seemed she lost a worker. We reached a point where everyone who knew her needs was gone. My grandmother was dealing with strangers," she said, adding it suddenly seemed most of the staff members her grandmother and their family had come to know and trust were gone without explanation.

It wasn't until early May that Barrows said they got some clarity about the extent of the COVID-19 outbreak at her grandmother's nursing home when she came across provincial data posted online that indicated 13 Weston Terrace residents had died of COVID-19. She also said at that time they learned 29 staff members had tested positive.

Barrows said the nursing home did not relay this information to the family members of its residents, as Sienna Senior Living was only providing details about cases affecting residents.

**"I don't understand why we had to fight for information."**

**TARA BARROWS**  
GRANDDAUGHTER

"That was when we got the big shock. We didn't know until then how many workers (there) had COVID-19," she said, adding if they had been informed earlier they could have advocated better for their loved one and made decisions that could have saved her life.

"I don't understand why we had to fight for information. I appreciate the need to protect (the privacy) of front-line workers, but these are the same people interacting with our family members."

On May 7, Sienna Senior Living issued a written update to families about Weston Terrace residents that had tested positive for COVID-19. It was then that Paul's family said they learned there were now "active cases" on their loved one's floor.

By then, Paul's health had started to rapidly deteriorate, so much so Barrows said they had started to plan to remove her from Weston Terrace to ensure she was taken care of properly. Sadly, Paul, who lived in



PAUL FAMILY

Dorritt Paul and her granddaughter Tara Barrows at Weston Terrace's Christmas dinner in December 2018.

the Weston neighbourhood for 30 years before moving into Weston Terrace, fell into a coma on Mother's Day, May 10.

Barrows said the family only learned she had tested positive for COVID-19 two days later on May 12 after they kept pressing the home for information.

Less than a week later, the family matriarch was dead: None of Paul's loved ones were present when she took her last breath on May 16.

"What we experienced is not acceptable. My family feels that trust was broken," said Barrows, who said she just hopes her grandmother didn't suffer alone in her final days.

The lawsuit, which is the third class action Thomson Rogers has advanced on behalf of residents at a Sienna Senior Living facility, is claiming \$15 million in damages. The legal firm has also filed class actions against Sienna Senior Living's Alton Care Community and Woodbridge Vista Care Community.

The class action against Weston Terrace alleges Sienna Senior Living failed to implement screening measures of its staff and basic social distancing practices. It also claims, since the outbreak, there was severe understaffing at Weston Terrace and a failure to provide the basic care to the residents, resulting in neglect, illness and death.

"This lawsuit means we have to relive all of this, but we're willing to do this for her," Barrows said.

"She deserves us to stand up for her."

Toronto.com reached out to Sienna Senior Living Inc. for comment and received the following statement:

"We are aware of the proposed class action. We intend to respond in due course through the appropriate court processes," company spokesperson Swaraj Mann said in a July 27 email.

Sienna Senior Living was offered a second opportunity to respond directly to the allegations, but the spokesperson said they have "nothing further to add at this time."

The next step in the legal process is for the class action to be certified, but this likely won't happen for at least a year.

In the meantime, Paul's loved ones said they'd be lending their support to a proposed independent commission into Ontario's long-term-care system, which they hope will result in meaningful change and their negative experience not being repeated.

According to provincial data, 34 residents at Weston Terrace Care Community have died of COVID-19. Currently, there is no active outbreak at the facility.

In its latest online communication to Weston Terrace families, Sienna Senior Living said as of July 21 there have been 59 resolved COVID-19 cases at the facility. The company also indicated there are no active resident cases, and one active team member case.

# rule on sharing of bar's office video

ination, he admitted that he did not tell her that he expected his boss, then bar owner Gavin MacMillan, to watch the footage later.

In closing submissions Tuesday, DeJesus Carrasco's lawyer argued that the woman would not have had a reasonable expectation of privacy—a key factor in determining the offence of voyeurism—in the office because she knew there were surveillance cameras all around the bar and the office.

He argued that the woman lied that she did not know there was a camera in the office, and noted she specifically said she was surprised that there were no cameras in the room because cash was kept there.

"This is so highly convenient and so improbable that this is a direct lie that she told this court, a direct lie with intent," Hussein Aly said.

Crown prosecutor Rick Nathanson said that recording can still be secret even if the cameras were visible because of the context in which the camera footage was being used—for a sexual purpose, not for office security. DeJesus "actively wants Mr. MacMillan to watch it. He specifically does not tell (the complainant) it will be watched," Nathanson said, pointing to text messages be-



DeJesus Carrasco has pleaded not guilty to all charges against him.

tween the two men which MacMillan appears to be watching the footage the next day.

"Is it clear could u see her well or not?" DeJesus Carrasco texted, according to messages seized from his phone.

"I don't see her naked at all. I call bull---t," MacMillan responded.

"To suggest it can't be surreptitious if the cameras are visible, that takes the whole contextual element of expectation of privacy out of this," Nathanson argued. "That would suggest that anywhere there are cameras, you can commandeer the use of that footage for a completely different purpose than what it's there for, that that's fine."

Another bar employee, who was DeJesus Carrasco's roommate at the time, also secretly took a photo of the woman during the incident, which shows the woman with her pants pulled down. DeJesus Carrasco testified that he told the woman about the photo and that she said she didn't care if he shared it.

He said he texted the image to another person by mistake. The image was found by police on his phone after he was arrested in connection with another sexual assault at the bar in December 2016.

DeJesus Carrasco has pleaded not guilty to charges of sexual assault, voyeurism and transmitting an intimate image without consent.

MacMillan faces no charges in connection with this case. Both men were convicted of gang sexual assault and drugging another woman in 2016 after a jury trial last year. They are both on bail pending appeal, with the convictions in jeopardy due to errors in the jury selection process.

In closing arguments in the current trial, the defence argued the complainant's testimony is not credible. He also said she admitted to the police and during the preliminary inquiry that her memory of what happened in the office is unreliable. In her testimony at trial, the woman said she did remember certain things very clearly.

Aly, the defence lawyer, also suggested the complainant was faking memory loss about going home with DeJesus Carrasco on the night she said the office sexual assault happened be-

cause she feared the police or the court would not believe her if she admitted it. The woman testified that she believes she may have been drugged that night and recalls little about being at his home. She said she didn't intend to go to his home and could not recall whether that was the same day that she said she was sexually assaulted in the office.

Nathanson, the prosecutor, argued the woman's testimony was "cogent and clear." Meanwhile, he said, key parts of DeJesus Carrasco's testimony are contradicted by a text message. DeJesus Carrasco testified that his roommate showed him the photo he took that night, while the complainant was with him at his home. He said he showed the photo to the complainant and she laughed and called the roommate a "peeping Tom." She said she didn't care if he shared the photo, he testified.

If that were the case, Nathanson said, why would the roommate have texted DeJesus Carrasco in the early hours of the morning—after that conversation would have happened and the complainant would have gone home—and said: "I went home, I saw you with the new girl."

A decision is expected later this week.

