



NEWS

Ontario government slow to provide COVID-19 documents for nursing-home probe, commission says

By [Rob Ferguson](#) Toronto Star

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Ontario's commission into the increasingly deadly toll of COVID-19 in nursing homes has gone public with its frustration at Premier Doug Ford's government for failing to provide requested documents on measures taken to protect vulnerable residents from infection.

Citing "significant delays in obtaining government information central to the... investigation," the commission headed by Frank Marrocco, associate chief justice of Ontario Superior Court, asked for permission to delay its final report until the end of

the year.

But the request was rejected by Long-Term Care Merrilee Fullerton, who directed the commission to stick with its original deadline of April 30 and said “the urgency of our situation has not changed.”

She did not, however, provide details on how quickly the requested materials could be provided.

The back-and-forth was revealed in letters released Monday by the commission as it announced a January 31 cut-off date for submissions from the public and anyone in the nursing-home sector, where killer outbreaks persist despite repeated warnings more needs to be done to protect residents in the second wave of the pandemic.

NDP Leader Andrea Horwath accused the government of trying to effectively “shut down” the commission by withholding information.

“More than 2,800 people have suffered and died in long-term care during this pandemic, and now Doug Ford and his government are trying to cover up the disaster,” she said Monday.

“What are they hiding?”

Horwath said the commission needs all information it has requested so the province can properly learn from the “disaster” in nursing homes and change the system.

“To meet its obligation...the commission will require additional information about the measures taken to prevent, isolate and contain the spread of COVID-19 in the province’s long-term-care homes before and through the second wave,” Marrocco and his two fellow commissioner wrote in a Dec. 9 letter to Fullerton.

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“Most documents responsive to the commission’s document summonses and

requests remain outstanding,” the letter said, noting the ability to deliver a comprehensive final report requires “the province’s full co-operation.”

Fullerton, a former family doctor, did not reply until two days before Christmas and emphasized the importance of sticking to the April 30 time line for a final report.

“As Ontario deals with this next wave of COVID-19 throughout the province, the duration of which is unknown, the need for timely and focused advice is even more acute,” she wrote in a two-page letter.

Fullerton suggested it’s challenging for bureaucrats to keep up with the document requests from the commission, which Ford created in July and has repeatedly said has been tasked to root out long-standing problems in long-term care.

“An organization as large as the Ontario Public Service can create a considerable volume of records and I note that government staff continue to be engaged full-time in responding to the evolving COVID-19 pandemic,” she added.

“I have asked staff to continue to work with the commission to ensure you receive the documents you require to fulfil your mandate in as timely a manner as possible.”

Fullerton asked the commission to “consider prioritizing recommendations that would best support government decisions you believe are needed now,” as was done in two interim reports Oct. 23 and Dec. 4.

“If you are of the view that there are matters that fall within your terms of reference that warrant further examination by the government beyond April 30, 2021, I invite you to highlight those matters in your recommendations.”

Opposition parties have expressed concern previously that the commission would not have the powers or the pull to do a proper job, and called for a fully independent public inquiry that Ford maintained would take too long.

Rob Ferguson is a Toronto-based reporter covering Ontario politics for the Star. Follow him on Twitter: [@robferguson1](https://twitter.com/robferguson1)

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