

**Publisher's Note**  
**2018 — Release 2**  
Previous release was 2018-1

**From Your Library:**

<input type="checkbox"/>	_____

Kirwin

**Vulnerable Persons:  
Protection and Remedies in Canada**

This reference work guides the practitioner through all aspects of law and practice related to vulnerable persons in Canada. This book is the first Canadian legal text on this subject, and is conveniently organized so the user can quickly access the legal remedies available for the protection of persons in vulnerable circumstances in the common law provinces of Canada. The four types of vulnerable persons are discussed in this book and organized by chapter: youths who fall outside the scope of child protection laws and adults who suffered child abuse, spouses, the elderly, and medical patients and persons with disabilities.

**What's New in this Release:**

This release features updates to the case law and commentary in Chapters 1 (Youth Protection and Childhood Remedies), 2 (Spousal Protection and Remedies), 3 (Protection of the Elderly and Remedies), and 4 (Protection of the Disabled/Patients and Remedies).

**Highlights**

- **Protection of the Elderly and Remedies — Ontario — *NEW* Criminal Proceedings** — The Ontario Court of Appeal upheld an appeal against conviction and sentence against the appellant who was found to have misappropriated approximately \$557,000 in his elderly mother's retire-

---

THOMSON REUTERS  
CANADA

Customer Support  
1-416-609-3800 (Toronto & International)  
1-800-387-5164 (Toll Free Canada & U.S.)  
Fax 1-416-298-5082 (Toronto)  
Fax 1-877-750-9041 (Toll Free Canada Only)  
Email CustomerSupport.LegalTaxCanada@TR.com  
This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

ment savings. With respect to the appeal against sentence, the applicant argued that the trial judge erred in failing to consider the effect of negative media coverage he received and the fact that he re-paid \$75,000. The Court of Appeal found that the failure to consider the media attention was not an error in principle. There were significant aggravating factors in this case, including that the applicant breached the trust his elderly mother placed in him to administer the funds she needed to live. He made 80 transactions and took considerable effort to conceal it. The fraud was not uncovered until she had less than \$100 remaining. She was evicted from her retirement home as a result and was deprived of the level of nursing care and comfort she would have otherwise enjoyed: *R. v. Klinitz*, 2018 ONCA 553, 2018 CarswellOnt 9519.

- **Protection of the Disabled/Patients and Remedies — Alberta — *NEW Mental Health Act* — Decisions with Respect to Termination of Employees of Group Centres — Decision as to whether employee would be terminated for mistakes made while caring for disabled adult at group home** — The Employer operated a long-term care facility for adults with disabilities. The Employee was working as a Health Care Aid for the Employer at the long-term care facility. One of the adults at the long-term care facility was a 20-year-old male, mostly non-verbal, quadriplegic with a stoma for feeding. On the day in question, the Employee and another Health Care Aid were to shower the patient. The Health Care Aid raised the following concerns with the Employee's care of the patient: the patient's toe struck the lift due to the Employee's carelessness; the patient's foot struck the door frame as a result of the Employee's carelessness; the Employee put water on the patient very quickly and without checking the temperature of the water as required (the water was very cold); and the Employee put water on the patient's shoulder and the patient could not breathe and made the sound of sucking air and coughing as water went into the patient's T-hole. Thus, the shower was cut short and no bed bath was given to the patient. The Employee's recollection of events differed from that of the other Health Care Aid and she gave inconsistent statements. The Employee was then terminated by the Employer as a result of her alleged actions. The Court found that the other Health Care Aid was a disinterested witness and had nothing to gain from reporting the Employee's actions. The Court found that inconsistencies in the Employee's statements were significant and material and, thus, the Court found her evidence was not credible. The Court found that the Employee's failure to report and properly chart the incidents were intentional as she wanted to cover up the incidents. The Court found that the termination of the Employee by the Employer was not excessive — the Employee's dishonesty goes to the core of the employment relationship. Further, dishonesty in the health care field with respect to the care of vulnerable persons/patients is a breach of public trust: *Good Samaritan Society and AUPE (Davis), Re*, 2018 CarswellAlta 2042 (Arb.).