

July 14, 2021

VIA email to dirk.huyer@ontario.ca
Dr. Dirk Huyer
Office of the Chief Coroner
Ministry of the Solicitor General
25 Morton Shulman Ave,
Toronto, ON
M3M 0B1

Re: Heat-related Death Tracking in Ontario

Dear Dr. Huyer,

We write to you as legal aid clinics who represent low-income and vulnerable populations across the province. We are extremely concerned about the increasing impact of extreme heat on our client communities. Vulnerable people are more prone to heat-related death. With the climate crisis worsening, it is essential that the Coroner's Office improves its tracking of heat-related deaths to better capture the true impact of extreme heat and to allow for government policy to address the full extent of the problem.

Background on Legal Aid Clinics

The Advocacy Centre for the Elderly ("ACE") is a specialty community legal clinic that was established to provide a range of legal services to low-income seniors in Ontario. The legal services include advice and representation to individual and group clients, public legal education, law reform and community development activities.

The Advocacy Centre for Tenants Ontario ("ACTO") is a legal aid clinic which works for the advancement of human rights and justice in housing for low-income Ontarians through legal advice and representation, law reform, community organizing, training and education. ACTO is a founding member of the Low-Income Energy Network ("LIEN").

The Canadian Environmental Law Association ("CELA") is a legal aid clinic established in 1970 for the purpose of using and improving existing laws to protect low-income people from environmental harm. As an Ontario legal aid clinic, CELA's top priority is to represent low-income individuals and communities. CELA is a founding member of LIEN.

LIEN is a joint program of ACTO and CELA and is funded by Legal Aid Ontario. Its vision is an Ontario where everyone has equitable access to conservation and financial assistance programs and services to meet their basic energy needs affordably and sustainably.

Recommendations to Improve Tracking Heat-Related Deaths

With the recent tragedy in British Columbia where there have been an estimated 800 heat-related deaths, scientists have emphasized that similar heat waves will become more frequent over time due to climate crisis impacts.¹ According to Environment and Climate Change Canada, with Canada set to warm at double the global rate, extreme hot temperatures are expected to become more frequent and intense in the near future.²

In Ontario, the number of days above the threshold for heat-related deaths will increase by 1.5 times by the 2050s, with the province projected to have one of the greatest numbers of potentially deadly hot days nationwide annually by the 2080s.³ In Toronto – Ontario’s most populous city – the city experienced 20 days throughout the 2000s where temperatures were over 30 degrees Celsius, but between 2040 and 2049 the days are predicted to increase to 66.⁴

Dubbed as a “silent killer”, heat waves have a disproportionate impact on vulnerable communities, especially the elderly, children, people living with chronic health conditions, individuals without housing, and low-income tenants who do not have adequate means to cool their homes during heat waves. Vulnerable populations need better protection from extreme heat from public health measures and laws. The first crucial step is to understand who is dying from heat waves, their circumstances, and their demographics.

Unfortunately, Ontario under-reports premature deaths caused by extreme heat. Currently, your office only tracks sudden and unexpected deaths where heat is the direct cause of death. Individuals are not required to report “natural” deaths to your office, even if extreme heat worsens an individual’s chronic health condition and causes eventual death.⁵

In contrast, other jurisdictions, such as Quebec and British Columbia, classify deaths as heat-related where extreme heat exacerbates a pre-existing health condition, resulting in premature death. On July 2, Dr. Jatinder Baidwan, Chief Medical Officer for the BC Coroner’s Service, issued a letter stating that where heat was in any way considered contributory to a death, the death was reportable to the BC Coroner’s Service and a death certificate was not to be issued. The BC Coroner’s Service would then review the deaths and issue the certificates if appropriate. All heat-related deaths are to be classified as

¹ World Weather Attribution Initiative, “Western North American Extreme Heat Virtually Impossible Without Human-Caused Climate Change” (7 July 2021), online: *World Weather Attribution* <www.worldweatherattribution.org/western-north-american-extreme-heat-virtually-impossible-without-human-caused-climate-change/#3> .

² Environment and Climate Change Canada, *Canada’s Changing Climate Report: Executive Summary* (Ottawa: Environment and Climate Change Canada, 2019) at 5 and 9.
<https://changingclimate.ca/site/assets/uploads/sites/2/2019/03/CCCR_ExecSummary.pdf>

³ Canadian Institute for Climate Choices, “The Health Costs of Climate Change: How Canada can Adapt, Prepare, and Save Lives” (June 2021) at 28, online (pdf): *Canadian Institute for Climate Choices* <www.climatechoices.ca/reports/the-health-costs-of-climate-change>.

⁴ Toronto Public Health, “A Climate of Concern: Climate Change and Health Strategy for Toronto” (2015) at 7, online (pdf): *City of Toronto* <www.toronto.ca/legdocs/mmis/2015/hl/bgrd/backgroundfile-81509.pdf>.

⁵ Marc-André Cossette “Ontario Coroner Investigating 3 Possible Heat-related Deaths”, *The CBC* (10 July 2018), online: <www.cbc.ca/news/canada/ottawa/ontario-investigating-heat-deaths-1.4740786>.

accidental deaths and death certificates can only be issued by coroners.⁶ In Montreal, an active surveillance program utilizes a questionnaire that requires healthcare workers to record information such as a deceased person’s pre-existing conditions and whether they had access to air conditioning.⁷ These approaches better capture the true impacts of extreme heat.

We strongly encourage the Office of the Chief Coroner to improve its tracking of heat-related deaths in the province during extreme heat events. The province should require that any deaths where heat is considered a contributing factor as reportable and subject to investigation, as is currently being done in British Columbia. Moreover, the province should record demographic data to understand the scale of the issue and which vulnerable communities require enhanced public health measures.

The existing legislative framework under the *Coroners Act* permits heat death investigation and tracking, either under section 10(1)(d) of the *Coroners Act* as occurring “suddenly and unexpectedly” or under section 10(1)(g) where the death and its circumstances are “under such circumstances as may require investigation”.⁸ However, to fully utilize the power under the *Coroners Act*, your office must give explicit direction to coroners, physicians, nurses, paramedics, and others who may be called on to pronounce death, complete a death certificate, or be on-scene following the death of an individual.

Changing the criteria to report heat-related death also aligns with the province’s promise to provide air-conditioning in all long-term care facilities and with Ontario’s *Health Protection and Promotion Act*.

As climate crisis impacts continue to intensify in Ontario in upcoming years, we trust you will take appropriate actions – starting with accurate and detailed heat death tracking – to safeguard the health of Ontarians, especially disproportionately impacted vulnerable communities. A more accurate tracking system is the first crucial step towards implementing effective public health measures and to reduce the number of heat deaths in Ontario, especially amongst vulnerable Ontarians.

We look forward to meeting with you to discuss this issue further. Scheduling can be facilitated by contacting Jacqueline Wilson, counsel at the Canadian Environmental Law Association by phone (416-960-2284 ext. 7213) or email (jacqueline@cela.ca).

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

ADVOCACY CENTRE FOR TENANTS ONTARIO



Theresa McClenaghan
Executive Director



Douglas Kwan
Director of Advocacy and Legal Services

⁶ Jatinder Baidwan, “Message from the BC Coroners Service re: heat-related deaths” (2 July 2021) online: College of Physicians and Surgeons of British Columbia <https://www.cpsbc.ca/files/pdf/2021-07-02-Message-from-the-BC-Coroners-Service-re-heat-related-deaths.pdf>

⁷ Marco Chown Oved “Life and Death Under the Dome”, *The Toronto Star* (23 May 2019), online: www.projects.thestar.com/climate-change-canada/quebec/.

⁸ *Coroners Act*, RSO 1990, c C.37, s 10(1)(g).

ADVOCACY CENTRE FOR THE ELDERLY



Graham Webb
Executive Director

LOW-INCOME ENERGY NETWORK



Zeenat Bhanji
Coordinator

CC: Doug Ford, Premier of Ontario;
Raymond Cho, Minister for Seniors and Accessibility;
Rod Phillips, Minister of Long-Term Care;
David Piccini, Minister of the Environment, Conservation and Parks;
Todd Smith, Minister of Energy;
Steve Clark, Minister of Municipal Affairs and Housing;
Christine Elliot, Minister of Health;
Sylvia Jones, Solicitor General;
Tyler Schulz, Acting Assistant Auditor General, Commissioner of the Environment;
Andrea Horwath, Member of Provincial Parliament, Hamilton-Centre and Leader of the Ontario
New Democratic Party;
Steven Del Duca, Leader of the Ontario Liberal Party
Mike Schreiner, Leader of the Green Party of Ontario
Dr. Kieran Moore, Chief Medical Officer of Health