

Interior Health Authority
Child Care – Unlawful – Licensing
Summary Report of Substantiated Complaint

<p>Facility Name Play Kootenays</p> <p>Facility Address 1250 26 St Castlegar BC V1N 4C9</p>	<p>Facility # F-2022-45831</p> <p>Facility Phone</p> <p>Licensee Manager Hailey Gardner</p>
<p>Inspection Date 19-May-2022</p>	
<p>Reason for Investigation Substantiated complaint</p>	
<p>Service Type Unlawful facility</p>	<p>Maximum Capacity N/A</p>

Report of Findings

As per Section 15 (1)(b)(i) of the Community Care and Assisted Living Act, Licensing is mandated to follow up on all complaints of any premise that is operating an unlicensed community care facility. The purpose of this inspection is to follow up a complaint received by Licensing on April 21, 2022.

The complaint involved allegations of noncompliance to the following sections of the Community Care and Assisted Living Act –Section 1: Definitions -“community care facility” means a premises or part of a premises in which a person provides care to 3 or more persons who are not related by blood or marriage to the person and includes any other premises or part of a premises that, in the opinion of the medical health officer, is used in conjunction with the community care facility for the purpose of providing care; Section 5: Operating or advertising without a licence - A person who does not hold a licence must not (a) operate, or hold themselves out as operating, a community care facility, (b) provide, or hold themselves out as providing, care in a community care facility, or (c) accommodate, or hold themselves out as accommodating, a person who, in the opinion of a medical health officer, requires care in a community care facility.

Based on the licensing officer’s observations, a review of the facility records and information provided by the individuals present at the time of inspection, it has been confirmed that a contravention of Section 5 of the Community Care and Assisted Living Act has occurred at 1250 26th Street, Castlegar.

Contravention to Section 5 may be subject to actions as outlined in Section 33 of the Community Care and Assisted Living Act, which states: Offence and penalty -33 (1) A person who contravenes section 5, 6, 18 (2) or (3) or 26 (1) of this Act or a term or condition attached to a licence commits an offence. (2) A person who commits an offence under subsection (1) is liable to a fine of up to \$10, 000. (3) If an offence under subsection (1) is of a continuing nature, each day that the offence continues constitutes a separate offence.

Only issues of non-compliance relating to the unlawful operation are detailed in the body of this inspection report.

Immediate compliance to Section 5 of the Community Care and Assisted Living Act is required. Written confirmation must be submitted to licensingdirect@interiorhealth.ca by Friday, May 27, 2022.

Observed Contraventions

Evidence for this report was based on a combination of the Licensing Officer’s observations, a review of facility records and information provided by the facility staff at the time of the complaint investigation, as appropriate.

C11 - Initial

C11.7 - Is the facility operating legally under the Act?

No

Follow up by: 5/28/2022 12:00:00 AM

The operator was alleged to be operating as a preschool program. Advertising and clarification from operator confirmed this allegation.

- C11.7A - A person must not operate or hold themselves out as operating a community care facility. Act(5)(a)
- C11.7B - A person must not provide or hold themselves out as providing care in a community care facility. Act(5)(b)
- C11.7C - A person must not accommodate or hold themselves out as accommodating a person who requires care in a community care facility. Act(5)(c)

Action(s) Required by Licensing Office :

- Conduct follow up inspection to confirm ongoing compliance

Facility # F-2022-45831

Action(s) Required by Operator :

- Operator to submit written confirmation that they understand the requirements of the CCALA regarding the number of persons they may provide care to without a licence

Received By:

Inspector:

Hailey Gardner

Cathy Paton, Licensing Officer

Follow up date, if required