

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

Printed on: October 20, 2020
 1:29 PM

Facility Name Michaela Frances		Facility # F-2020-41200	
Facility Address B - 110 Kildonan Drive Enderby BC V0E 1V2 Canada		Facility Phone (250) 241-4758	
		Licensee Michaela Frances	Manager Michaela Frances
Inspection Date 19 October, 2020			
Reason for Investigation Substantiated complaint			
Service Type Unlawful facility		Maximum Capacity N/A	

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 October 7, 2020. 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 investigation, information received and confirmation by the provider, it has been confirmed that a contravention of Section 5 of the Community Care and Assisted Living Act has occurred at B - 110 Kildonan Drive, Enderby BC.

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.

Written confirmation detailing how you have ensured compliance with Section 5 of the Act and its applicable regulations must be submitted to licensingdirect@interiorhealth.ca prior to October 27, 2020 at 9:00am.

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.

CI1 - Initial

CI1.7 - Is the facility operating legally under the Act?

No

Follow up by: 27-Oct-2020 12:00:00 AM

Information was received by Licensing Direct that the provider was offering care to two sets of siblings and this care overlapped several days a week, meaning the provider was offering care to more than two children at the same time.

The operator provided confirmation that:

They had been providing care to more than 2 children; however the provider was informed that this practice was a breach of the legislation and they stopped immediately.

- CI1.7A - A person must not operate or hold themselves out as operating a community care facility. Act(5)(a)
- CI1.7B - A person must not provide or hold themselves out as providing care in a community care facility. Act(5)(b)
- CI1.7C - 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
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Received By:

Inspector:

Michaela Frances

Tania Farquhar

UNLAWFUL

Michaela Frances

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Follow up date, if required