

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

Facility Name Kristin Matthews Facility Address 3766 Weston Rd Kelowna BC V1X 6K2	Facility # F-2023-50752 Facility Phone (778) 875-2475 Licensee Kristin Matthews Manager Kristin Matthews
Inspection Date 01-Sep-2023	
Reason for Investigation Substantiated complaint	
Service Type	Maximum Capacity

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 August 31, 2023.

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 information provided by the individuals present at the time of inspection, it has been confirmed that a contravention to Section 5 of the Community Care and Assisted Living Act has occurred at 3766 Weston Road, Kelowna 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.

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: 9/5/2023 12:00:00 AM

It has been determined that care is being provided to more than 2 children, unrelated by blood or marriage to the care provider without a community care facility licence.

- 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

Action(s) Required by Operator :

- Operator to submit written confirmation that they
- Operator to submit written confirmation to Licensing

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understand the requirements of the CCALA regarding the number of persons they may provide care to without a licence

- Operator to immediately reduce number of children or persons in receiving care to as per the requirements of the CCALA.

Office that they have reduced the number of children or persons in receiving care to as per the requirements of the CCALA.

Received By:

Inspector:

Kristin Matthews

Marilyn Tietz, Licensing Officer

Follow up date, if required