

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

<p><b>Facility Name</b> Rachel Maurer</p> <p><b>Facility Address</b> 3482 McNamara Rd West Kelowna BC V4T 1H5</p>	<p><b>Facility #</b> F-2022-47573</p> <p><b>Facility Phone</b></p> <p><b>Licensee</b> Rachel Maurer</p> <p><b>Manager</b> Rachel Maurer</p>
<p><b>Inspection Date</b> 03-Oct-2022</p>	
<p><b>Reason for Investigation</b> Substantiated complaint</p>	
<p align="center"><b>Service Type</b></p>	<p align="center"><b>Maximum Capacity</b></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 September 28, 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 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 3482 McNamara Rd West 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.

Immediate compliance to Section 5 of the Community Care and Assisted Living Act is required. Written confirmation must be submitted to [licensingdirect@interiorhealth.ca](mailto:licensingdirect@interiorhealth.ca) prior to 4pm October 12, 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: 10/12/2022 12:00:00 AM

**At time of inspection the operator confirmed the two adult residents of the home are caring for four children not related to them by blood or marriage. Operator was asked to come into immediate compliance of the Community Care and Assisted Living Act.**

Received By:

Inspector:

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Rachel Maurer

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Glenda MacDonald, Licensing Officer

**Follow up date, if required**