

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

Facility Name Westside Tae Kwon Do		Facility # F-2019-36296	
Facility Address 2109 C Louie Drive Westbank BC V4T 1Y2		Facility Phone (250) 768-8868	
		Licensee Michael Smith	Manager Michael Smith
Inspection Date 21 June, 2019			
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 May 31, 2019.

The complaint involved allegations of non-compliance to the following sections of the Community Care and Assisted Living Act (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, and a review of 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 2109 C Louie Drive in Westbank, 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 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 prior to June 28, 2019 at 3:00pm.

Observed Contraventions

Evidence for this report was based 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: 28-Jun-2019 12:00:00 AM

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

While the operator does offer a course of activity for children that has the promotion of specific athletic skills (i.e. Tae Kwon Do), it has also been determined that the program offers additional activities for the children such as board games, coloring, card games, and movies which are not related to the study of Tae Kwon Do. As a result, the program does not offer a course of activity or study that has the promotion of Tae Kwon Do as its only purpose and, therefore, does not currently fall under Section 3 (1)(b) of the Child Care Licensing Regulation which outlines the programs that are exempt from requiring a licence.

- 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 Operator :

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

- Operator to submit written confirmation to Licensing Office that they have reduced the number of children or persons in receiving care to as per the requirements of the CCALA.

- 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

Action(s) Required by Licensing Office :

- Progressive enforcement actions. Continue to monitor through unscheduled inspections.

Received By:

Inspector:

Michael Smith

Shauna Stewart, Licensing Officer

Follow up date, if required