

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

<p><b>Facility Name</b> The Forest Path</p> <p><b>Facility Address</b> 1209 Falls Ave Nelson BC V1L 1J3 Canada</p>	<p><b>Facility #</b> F-2020-40913</p> <p><b>Facility Phone</b> (250) 505-5776</p> <table style="width: 100%;"> <tr> <td style="width: 50%;"><b>Licensee</b> Malin Christensson</td> <td style="width: 50%;"><b>Manager</b> Malin Christensson</td> </tr> </table>	<b>Licensee</b> Malin Christensson	<b>Manager</b> Malin Christensson
<b>Licensee</b> Malin Christensson	<b>Manager</b> Malin Christensson		
<p><b>Inspection Date</b> 15 September, 2020</p>			
<p><b>Reason for Investigation</b> Substantiated complaint</p>			
<p><b>Service Type</b></p> <p>Unlawful facility</p>	<p><b>Maximum Capacity</b></p> <p>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 the 14th September 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 observations, a review of the facility advertising and information provided by the operator, it has been confirmed that a contravention of Section 5 of the Community Care and Assisted Living Act has occurred at 1209 Falls Street Nelson, BC, V1L 1J3.

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 has been achieved.

Written confirmation from the operator was received by licensing on 15th September 2020.

**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**

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

CDI **No**

Information was received by Licensing Direct that The Forest Path outdoor program had operated within the premises located at 1209 Falls Street Nelson. An image was provided that depicted children engaged in a yoga activity. A descriptor alongside the image stated "Today we were inside escaping the smoke and did more of playful kids' yoga."

A review of The Forest Path's Facebook page indicates that the category of service is a "Child Care Service".

A review of The Forest Path's website at [www.theforestpath.ca](http://www.theforestpath.ca) found the terms "preschool", "preschoolers" and "daycare".

This information was reviewed with the operator via phone who confirmed that the program operated inside on one day to keep the children out of the smoke. The operator also confirmed that the advertising on The Facebook page and [www.theforestpath.ca](http://www.theforestpath.ca) contained the words "preschool", "preschoolers" and "daycare".

Written confirmation has been received from the operator which confirms:

- The Facebook photo of inside (premises) and the mentioning of being inside has been deleted.
- The Facebook category 'child care' has been deleted.
- Other posts mentioning preschool have been deleted.
- The terms preschool, preschoolers, and daycare have been deleted from webpage [www.theforestpath.ca](http://www.theforestpath.ca).

The operator provided confirmation that:

- On days that the operator is not able to run the programs outside due to air quality or weather conditions, the programs will be cancelled and The Forest Path will not use any indoor facility.

The written confirmation from the operator, a review of the Facebook page and [www.theforestpath.ca](http://www.theforestpath.ca) indicates that The Forest Path is no longer in contravention with the Community Care and Assisted Living Act.

- 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)



UNLAWFUL

The Forest Path

Facility # F-2020-40913

Child Care – Unlawful – Licensing

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Received By:

Inspector:

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Malin Christensson

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Michelle Cushway, Licensing Officer

**Follow up date, if required**