

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

<p><b>Facility Name</b> Nicole Pankratz</p> <p><b>Facility Address</b> 115-298 Maple St Penticton BC V2A 5V7 Canada</p>	<p><b>Facility #</b> F-2018-32288</p> <p><b>Facility Phone</b> (250) 486-2012</p> <p><b>Licensee</b> Nicole Pankratz</p> <p><b>Manager</b> Nicole Pankratz</p>
<p><b>Inspection Date</b> 05 October, 2018</p>	
<p><b>Reason for Investigation</b> Substantiated complaint</p>	
<p align="center"><b>Service Type</b></p> <p>Unlawful facility</p>	<p align="center"><b>Maximum Capacity</b></p> <p>3-5</p>

Facility # F-2018-32288

**Report of Findings**

Unlicensed

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 4, 2018.

The complaint involved allegations of noncompliance 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, a review of the facility records and 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 #115-298 Maple St, Penticton, 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](mailto:licensingdirect@interiorhealth.ca) by today at 3pm.

**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.

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**C11 - Initial**

C11.7 - Is the facility operating legally under the Act? **No**

**Follow up by: 06-Nov-2018 12:00:00 AM**

**Providing care to 3 or more unrelated children without 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)

**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.

**Action(s) Required by Licensing Office :**

**Nicole Pankratz**

**Child Care – Unlawful – Licensing**

**Facility #** F-2018-32288

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- Conduct follow up inspection to confirm ongoing compliance

**Received By:**

**Inspector:**

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Nicole Pankratz

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Marisa Munday, Licensing Officer

**Follow up date, if required**