

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

Facility Name One Tree Adventures Facility Address 2551 St Paul Street Rossland BC V0G 1Y0 Canada	Facility # F-2019-35160 Facility Phone (250) 231-1713 <table style="width: 100%;"> <tr> <td style="width: 50%;">Licensee</td> <td style="width: 50%;">Manager</td> </tr> <tr> <td>Emily Kogan-Young</td> <td>Holly Borwick</td> </tr> </table>	Licensee	Manager	Emily Kogan-Young	Holly Borwick
Licensee	Manager				
Emily Kogan-Young	Holly Borwick				
Inspection Date 11 April, 2019					
Reason for Investigation Substantiated complaint					
Service Type Unlawful facility	Maximum Capacity N/A				
Report of Findings <p>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 18th January 2019.</p> <p>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.</p> <p>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 2551 St Pauls Street Rossland BC V0G 1Y0 . 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.</p> <p>Immediate compliance to Section 5 of the Community Care and Assisted Living Act is required. Written confirmation must be submitted to michelle.cushway@interiorhealth.ca prior to 4pm April 12th 2019.</p>					

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

It was determined that the Rossland Scout Hall located at 2551 St Pauls Street Rossland is being accessed by children attending programming run by One Tree Adventures for washroom use. It was also confirmed that during an extreme outdoor air quality event (Smokey Skies) the premise was used by children attending One Tree Adventures - programming did occur within the building.

It was determined that the phrase "Child Care" had been used when advertising the program in January of 2019. - This item is considered resolved as confirmation was received that indicated the term had been removed from all advertising.

- C11.7A - A person must not operate or hold themselves out as operating a community care facility. Act(5)(a)

Received By:

Inspector:

Emily Kogan-Young

Michelle Cushway, Licensing Officer

Follow up date, if required