

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

<p><b>Facility Name</b> West Kootenay Kids Unplugged</p> <p><b>Facility Address</b> 26 Duncan Avenue Fruitvale BC V0G 1L0</p>	<p><b>Facility #</b> F-2019-35929</p> <p><b>Facility Phone</b> (250) 951-5171</p> <p><b>Licensee</b> Caitlyn Jorgensen</p> <p><b>Manager</b> Caitlyn Jorgensen</p>
<p><b>Inspection Date</b> 04 June, 2019</p>	
<p><b>Reason for Investigation</b> Substantiated complaint</p>	
<p><b>Service Type</b> Unlawful facility</p>	<p><b>Maximum Capacity</b> 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 23rd May 2019.

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; "premises" - means a building or structure and includes outside areas adjacent to the building or structure ordinarily used in the course of providing services; 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 26 Duncan Ave, Fruitvale, BC V0G 1L0 . 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 michelle.cushway@interiorhealth.ca prior to 4 pm 5th June 2019.

### 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.

### CI1 - Initial

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

No

**Follow up by: 12-Jun-2019 12:00:00 AM**

**It was determined at 26 Duncan Ave Fruitvale :**

- The lower level of the home was accessed by children attending West Kootenay Kids Unplugged for washroom use

- Outdoor programming has operated in the back and front yard.

It was determined that the phrase "Child Care" was used when advertising the program on Facebook -

This term has been removed as of 4th June.

It was determined that the class description on both the website

(<https://clients.mindbodyonline.com/classic/mainclass?fl=true&tabID=102>) and Facebook include "We will have a "quite time midday which will be a period for children to unwind, relax, replenish and recharge. This may be held indoors, or outdoors."

This may be held indoors, or outdoors."

- CI1.7A - A person must not operate or hold themselves out as operating a community care facility. Act( 5 )(a)

- CI1.7B - 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.

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

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

**Received By:**

**Inspector:**

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Caitlyn Jorgensen

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Michelle Cushway, Licensing Officer

**Follow up date, if required**