

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

<p>Facility Name Melissa Low</p> <p>Facility Address 3170 Riesling Way West Kelowna BC V4T 2W7</p>	<p>Facility # F-2022-45684</p> <p>Facility Phone (250) 769-1813</p> <p>Licensee Manager Melissa Low</p>
<p>Inspection Date 28-Apr-2022</p>	
<p>Reason for Investigation Substantiated complaint</p>	
<p align="center">Service Type</p>	<p align="center">Maximum Capacity</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 April 25, 2022.

The complaint involved allegations of non-compliance 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 and information provided by the individuals present at the time of inspection, it has been confirmed that a contravention to Section 5 of the Community Care and Assisted Living Act has occurred at 3170 Riesling Way, West Kelowna. 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 is required. Written confirmation must be submitted to licensingdirect@interiorhealth.ca on or before 9:00am on Tuesday May 3, 2022.

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.

CI1 - Initial

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

No

Follow up by: 5/2/2022 12:00:00 AM

Licensing arrived at 3170 Riesling Way in West Kelowna on Apr 28/22 at 2:45pm. Licensing observed the operator with 3 children in care (one child was related to the operator). Licensing did not enter the premises but spoke with the operator in the driveway and explained the purpose of Licensing’s visit. While the operator was observed to be in compliance with Community Care and Assisted Living Act at the time of the inspection, the operator confirmed that they had cared for 3 children at one time, unrelated to them, on other occasions (past and present). Licensing discussed the options available to the operator including limiting the number of children in care at one time to no more than 2 or a sibling group, ceasing providing care all together, or applying for a child care licence through Interior Health. Licensing also explained that written confirmation of the operator’s plan to maintain compliance with the legislation (Act) would be requested.

Action(s) Required by Operator :

- 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

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

- 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.

Melissa Low

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Facility # F-2022-45684

CCALA.

Received By:

Inspector:

Melissa Low

Shauna Stewart, Licensing Officer

Follow up date, if required