

Community Care and Assisted Living Appeal Board
Community Care and Assisted Living Act,
SBC 2002, c. 75

Appellant: Casa Del Vida

Respondent: Greg Ritchey
Community Care Facilities Coordinator
Richmond Health Services
Vancouver Coastal Health Authority

Panel: Susan E. Ross, Chair
Marcia McNeil, Vice Chair
David Rushworth, Member

Decision

[1] This is an appeal from the decision of Greg Ritchey, the Community Care Facilities Coordinator, Richmond Health Services, Vancouver Coastal Health Authority (CCF Licensing), to refuse to amend Casa Del Vida's community care facility licence from a seven to a ten-bed maximum capacity, because the design and installation of the Casa Del Vida sewage disposal system allows for a maximum of seven residents under the *Sewage Disposal Regulation*.

[2] In a decision dated January 13, 2005, the Panel concluded that the decision of CCF Licensing was subject to appeal under s. 15(2) of the *Community Care Facility Act*. The Panel has since received and considered further submissions from the parties respecting the disposition of this appeal in light of the appellant's successful appeal to the Environmental Appeal Board from the Environmental Health Officer's decision to refuse to issue a sewage disposal system permit for a ten-bed facility under the *Sewage Disposal Regulation*. The Environmental Appeal Board allowed that appeal in the following terms:

...the Panel finds that the existing facility does not fit within those set out in Schedule 2, Appendix 1 of the *Regulation*. The Panel also finds that the existing system has the capacity to effectively treat effluent from a 10-bed complex care facility of the type described by the Appellant during this appeal, provided an ultraviolet light disinfection unit is first installed and a septic system maintenance contract remains in place.

Therefore, the December 1, 2003 decision of the EHO is varied. The EHO is directed to issue the Appellant a permit for a sewage disposal system subject to the terms and conditions set out above.

[3] The appellant was successful in her appeal to the Environmental Appeal Board. CCF Licensing accepts the results of that appeal. We conclude that the issue on this appeal—whether the sewage disposal system at Casa Del Vida has the capacity to effectively treat effluent from a ten-bed complex care facility in compliance with the *Sewage Disposal Regulation*—is no longer a live issue and that it is not appropriate to make an order under s. 29(12) of the *Community Care and Assisted Living Act*, in view of the following circumstances:

- (a) the Environmental Appeal Board decision of December 1, 2004, held that, provided certain terms and conditions were met, the sewage disposal system at Casa Del Vida has the capacity to effectively treat effluent from a ten-bed complex care facility;
- (b) those terms and conditions have been met by Casa Del Vida;
- (c) CCF Licensing is satisfied that Casa Del Vida—in the context of a ten-bed complex care facility—meets the health requirements of s. 20(b) of the *Community Care and Assisted Living Act* (formerly s. 4(1)(c) of the *Community Care Facility Act*); and
- (d) there are other licensing issues between CCF Licensing and the appellant, including issues relating to changed circumstances, that are not part of this appeal.

[4] We make no comment on other aspects of the appellant's application to amend its community care facility licence. Specifically, we make no comment on whether Casa Del Vida does not qualify for ten-bed licensed capacity for reasons other than compliance with the *Sewage Disposal Regulation*. Other licensing issues between CCF Licensing and the appellant, including issues relating to changed circumstances, are not part of this appeal. We did not intend CCF Licensing's reconsideration of its decision under appeal in light of the decision of the Environmental Appeal Board, to engage the parties in a process of resolving future plans or possibilities for Casa Del Vida or to engage CCF Licensing in deciding issues that are not part of this appeal on the basis of incomplete information or input from the appellant.

March 8, 2005

Susan E. Ross, Chair

Marcia McNeil, Vice Chair

David Rushworth, Member