

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

APPELLANT: **Imagination Boulevard Learning Society**

RESPONDENT: **Barbara Hoffman, Manager, Licensing,
Surrey/Delta/White Rock, Fraser Health Authority**

BOARD MEMBER: **Susan E. Ross, Chair**

INTERIM STAY ORDER

[1] On June 16, 2005, the appellant, Imagination Boulevard Learning Society, commenced an appeal to the Board of the decision of the Fraser Health Authority (Barbara Hoffman, Manager, Licensing, Surrey/Delta/White Rock) dated June 7, 2005 to cancel, effective July 15, 2005, the appellant's licenses for two child care facilities, Imagination Boulevard Learning Centre (10706-148th Street, Surrey) and Imagination Boulevard Child Development Centres (9574-160th Street, Surrey). The appellant also applied to the Board for an order staying the cancellation decision pending the appeal.

[2] The respondent Fraser Health Authority does not oppose a temporary stay of the cancellation decision provided that the appeal is heard and determined expeditiously after July 15, 2005. If an early appeal date can be accommodated, the Fraser Health Authority is satisfied that with continued monitoring a stay of the cancellation decision pending the appeal will not risk the health and safety of persons in care.

[3] Having considered the materials provided by the parties in respect of the stay application, including the Licensing Record, the Board is satisfied that a conditional interim stay of the cancellation decision under appeal would not risk the health or safety of a person in care.

[4] Under section 29(6) of the *Community Care and Assisted Living Act* and sections 15, 26(9) and 50(2) of the *Administrative Tribunals Act*, the Board orders that the cancellation decision under appeal is stayed until August 5, 2005 or the first day of the hearing of this appeal, whichever comes sooner, on the following conditions:

- (a) the parties will accommodate the scheduling of an early appeal date; and
- (b) the appellant will comply strictly with all conditions attached to the licenses in question and will cooperate fully with all continued monitoring by the Fraser Health Authority.

[5] The Fraser Health Authority may request the Board to vary or lift this interim stay order if it has reason to believe that conditions of the stay are not being complied with or that, for any reason, the health and safety of a person in care at the licensed facilities is at risk.

July 7, 2005

Susan E. Ross, Chair