

## COMMUNITY CARE AND ASSISTED LIVING APPEAL BOARD

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

**APPELLANT:** RA

**RESPONDENT:** Director, Early Childhood Educator Registry,  
Child Care Programs, Ministry of Children and  
Family Development

**PANEL:** Susan E. Ross, Chair

### Decision

[1] The appellant's notice of appeal was delivered on February 17, 2006. Under appeal is the respondent's January 18, 2006 decision to deny the appellant early childhood educator certification on the ground that the appellant, because of an investigation report from the Fraser Health Authority, did not meet the requirement of "good character" in section 9(1)(d) of the *Child Care Licensing Regulation*.

[2] On April 4, 2006 the Board requested written submissions and argument from the parties on the following preliminary issues:

1. Whether the process followed by the ECE Registry to make its decision to refuse to issue an early childhood educator certificate to the appellant failed to comply with the requirements of procedural fairness, having regard to the ECE Registry's consideration of and reliance on an investigation report from the Fraser Health Authority that reflected adversely on the appellant, and

2. If the answer to (1) is yes, whether the decision under appeal should be set aside and remitted back to the ECE Registry for reconsideration pursuant to section 29(12) of the *Community Care and Assisted Living Act*, or whether the breach of procedural fairness below can and should be cured in the course of a full hearing of the appeal by the Board.

[3] On April 21, 2006, the parties jointly submitted to the Board that the appropriate course of action would be to remit this appeal back to the Director of the Early Childhood Education Registry for reconsideration and that on that reconsideration the appellant would be given the opportunity to make submissions on the material contained in the record for this appeal, and in particular, the investigation report produced by the Fraser Health Authority.

[4] By way of a draft consent order signed by counsel for the appellant and counsel for the respondent, the parties requested that the Board make the following order pursuant to section 29(1.2) and section 29(12) of the *Community Care and Assisted Living Act*:

By consent of the parties the Director, Early Childhood Educator Registry is ordered to reconsider the Assessment Decision – Early Childhood Educator Certification, dated January 18, 2006.

The Director, Early Childhood Educator Registry is further ordered to provide the Appellant an opportunity to respond by way of written submissions to the evidence considered by the Director in making the Assessment Decision.

[5] Being satisfied that the order requested by the parties is consistent with the *Community Care and Assisted Living Act* and that it is also appropriate in all of the circumstances of this appeal, the Board hereby grants the order requested.

[6] The parties are thanked for their efforts to resolve this appeal. This decision is without prejudice to any right of appeal the appellant may have arising out of the Director's reconsideration decision.

May 1, 2006

---

Susan E. Ross, Chair