

COMMUNITY CARE AND ASSISTED LIVING APPEAL BOARD

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

APPELLANT: SBR
(Operator of a Licensed Child-Care Facility)

RESPONDENT: Clifford Daly, Assistant Director of Health Protection,
Licensing Practice, Interior Health Authority

PANEL: Marcia McNeil, Vice-chair
Amy Collum, Member
Joan Gignac, Member

Extension of Conditional Stay Order Pending Disposition of Appeal

[1] On May 1, 2006 the appellant commenced an appeal to the Board of a reconsideration decision of the Interior Health Authority (Clifford J. Daly, Assistant Director of Health Protection, Licensing Practice) dated April 25, 2006. The decision under appeal cancelled the appellant's licence to operate a group childcare facility under section 13(1) of the *Community Care and Assisted Living Act*. The cancellation of the licence was to be effective May 5, 2006.

[2] On May 4, 2006 the Board issued a one-week interim stay order on consent and on May 11, 2006 continued that interim stay for a further week to May 19, 2006.

[3] On May 16, 2006 the Board, after considering submissions from the parties, ordered 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*, that the cancellation decision under appeal be stayed, subject to certain conditions, until June 30, 2006 or until further order of Board, whichever came sooner.

[4] On June 26 and 27, 2006 the Board commenced hearing the merits of the appeal at an oral hearing in Cranbrook, British Columbia. The hearing was adjourned and scheduled to reconvene on July 5 and 6, 2006.

[5] After hearing from the parties and after considering the test established by s. 29(6) of the *Community Care and Assisted Living Act*, the Board orders that the conditional stay order pending disposition of the appeal be continued. The conditions of that order are modified and are as follows:

- (a) the parties will continue to accommodate the scheduling of early hearing dates if additional dates are necessary;
- (b) the appellant will comply strictly with any existing conditions attached to the facility licence and with the delegation of authority to the manager;
- (c) the appellant will ensure that the facility is in full compliance with the *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation* throughout the term of the stay order;
- (d) the appellant will fully cooperate with all continued monitoring by Interior Health Authority; and
- (e) the stay will operate until the appeal is disposed of by this Panel or until further order of the Board. For clarity, and without limiting the rights of either party, the respondent is at liberty to apply to the Panel to further amend the order if new issues arise with the licence prior to the Panel's disposition in this case.

June 27, 2006

Marcia McNeil, Vice-chair

Amy Collum, Member

Joan Gignac, Member