

COMMUNITY CARE AND ASSISTED LIVING APPEAL BOARD

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

APPELLANT: MP, Licensee
(operating Happy Smiles Daycare)

RESPONDENT: Richard S. Stanwick, Chief Medical Officer, Vancouver Island
Health Authority

PANEL: Gordon Armour, Panel Chair
Joan Gignac, Member
Mary-Ann Pfeifer, Member

APPEARANCES: MP On her own behalf
Guy McDannold Counsel for the Respondent

Decision

(rendered orally after the hearing)

[1] The Panel fully appreciates the seriousness of the issues that have come before them, both from the Appellant's point of view and from the Respondent's point of view.

[2] The Panel would like to reconfirm the mandate for the Appellant to meet the burden of proof for the purposes of this appeal. Having reviewed the written documentation presented by the parties and hearing the evidence from all of the witnesses, the Panel concludes that the Appellant has not met that burden of proof.

[3] The Panel upholds the cancellation of the licence of Happy Smiles Daycare effective midnight, October 31st, 2008, subject to the following conditions, to be in effect up to and including the effective date of the cancellation:

- There be no new or additional enrolments to the daycare;
- The Appellant will fully cooperate with all continued monitoring by the Vancouver Island Health Authority;
- The Appellant will comply strictly with this order and any existing conditions attached to the daycare licence;
- The Appellant will ensure that the daycare is in full compliance with the *Community Care and Assisted Living Act* and the Childcare Licensing Regulation; and
- That there be no transportation of children in any motor vehicle for the duration until the effective date of the cancellation.

[4] The Panel therefore dismisses the appeal with written reasons to follow.

September 19, 2008

Gordon Armour, Panel Chair

Joan Gignac, Member

Mary-Ann Pfeifer, Member