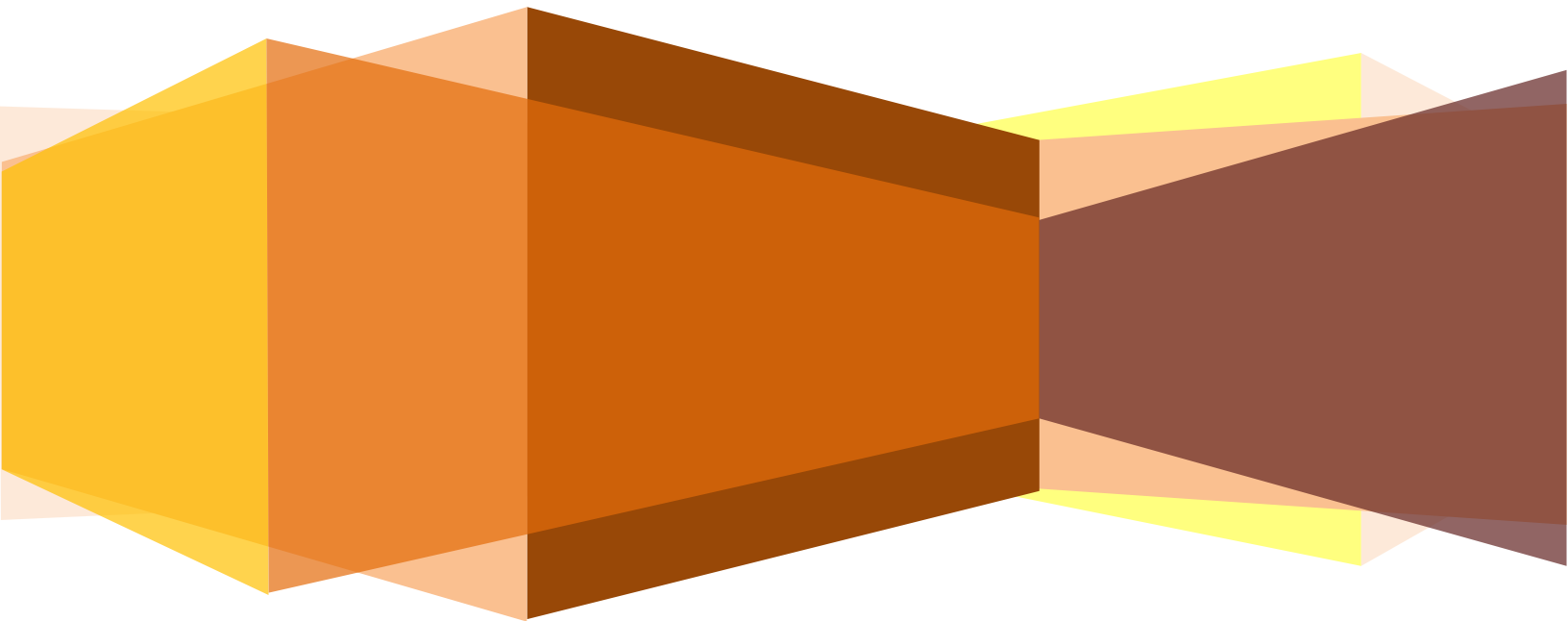




***Community Care and Assisted
Living Appeal Board
2016-2017 Annual Report***





Community Care and Assisted Living Appeal Board

September 14, 2017

The Honourable David Eby
Ministry of Attorney General
Room 232, Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Attorney General:

Re: Community Care and Assisted Living Appeal Board 2016-2017 Annual Report

I am pleased to submit to you the first Annual Report of the Community Care and Assisted Living Appeal Board ("CCALAB") for the fiscal year beginning April 1, 2016 and ending March 31, 2017.

Sincerely,

Helen Ray del Val
Chair
Community Care and Assisted Living Appeal Board

Enclosure

Message from the Chair

I am pleased to submit the inaugural Annual Report of the Community Care and Assisted Living Appeal Board (“CCALAB” or “the Board”) for the fiscal year beginning April 1, 2016 and ending March 31, 2017. This report is submitted pursuant to section 59.2 of the *Administrative Tribunals Act*.

Appeals during Reporting Period

Section 59.2(a) of the *Administrative Tribunals Act* requires the Board to provide a review of its operations during the preceding reporting period. During this reporting period, there was only one new appeal filed with the Board. Further details of this appeal filed are provided later in this report pursuant to section 59.2(c) of the *Administrative Tribunals Act*. An additional 3 matters carried over from the previous reporting period were also dealt with during this period, for a total of four appeals.

Three of the four appeals were closed during this reporting period and the other one was with a panel of the Board for adjudication after an oral hearing, with a decision issued early in the next reporting period.

Of the appeals closed during the reporting period, one third (33% or one appeal) were withdrawn as resolved by consent of the parties through the help of a Board member mediator, which meant that no hearing was required.

One third of the closed appeals proceeded to a hearing on their merits (one appeal). This hearing was conducted in person before a panel of three CCALAB members. The issues considered in this appeal included a preliminary issue as whether certain information tendered as evidence in the appeal ought to be received in confidence to the exclusion of a party and the public as well as consideration of the following issues on the merits of the appeal: staffing and supervision; record keeping; outdoor play space; nutrition, ability of appellant and fairness of the investigation and allegations of bias.

The third closed appeal was summarily dismissed without a hearing due to the appellant’s failure to comply with an order of the Board and failure to diligently pursue the matter. However, prior to the summary dismissal of the appeal, the Board also considered and issued written decisions on a number of preliminary matters including an application for a stay of the decision below, production of documents and witnesses, issues with the

appeal record and the appellant's preliminary statement of points, and an application by the appellant to stay the appeal proceedings and adjourn the hearing.

Finally, there were no applications for judicial review of CCALAB decisions filed in or issued by the BC Supreme Court in this reporting period.

Forecast of workload for the next reporting year and trends noted

Section 59.2(f) of the *Administrative Tribunals Act* requires the Board to provide a forecast of the workload for the succeeding reporting period. Although the number of new appeals filed with the Board during this reporting period were significantly less than the average in years past, the CCALAB's overall workload for the this reporting period was greater due to several complex and lengthy matters dealt with. The Board's workload for the 2017/2018 fiscal year reporting period is expected to remain relatively constant, with no significant increase or decrease from the average numbers seen in the past 10 years, averaging 5-7 appeals being dealt with by the Board each year.

Section 59.2(g) of the *Administrative Tribunals Act* requires the Board to report any trends or special problems it foresees. I am pleased to report that we have not identified any trends or special problems that need to be reported on at this time.

Plans for improving the Board's operations

Finally, section 59.2(h) of the *Administrative Tribunals Act* requires the Board to report its plans for improving operations in the future.

During this reporting period, the Appeals Office cluster responsible for providing administrative support to the Board was involved in planning for the replacement and upgrading of the electronic appeal management system that is used by the Board and the seven other tribunals that are jointly administered through a shared office and staff. The existing appeal management system is nearly 20 years old and its software is no longer supported. A new appeal management system will allow the shared administrative office to continue to function effectively and efficiently, using modern information technology. The Board hopes the new system will be in place and available for the CCALAB to use in 2017. This will help ensure that the CCALAB is able to track and report out on key performance indicators with confidence in the accuracy of the information.

The Board also introduced a new Decision Publication Policy in this reporting period, available on the Board's website, which is intended to ensure that the public has easy and full access to the Board's decisions which promotes openness and transparency regarding a public body that exercises statutory power. However, in a modern internet age,

the world-wide public disclosure of personal information contained in the Board’s reasons for decision requires a delicate balancing between the principle of public accountability and respecting individual’s rights to privacy, particularly vulnerable persons in care. Prior to December 31, 2016, the Board generally published its decisions without identifying individual appellants by name (using initials only). With a view towards increasing openness and transparency in the Board’s processes, and in the public interest, the Board has determined that it is not necessary to automatically protect the identity of individual appellants in all cases. The new Decision Publication Policy outlines the change in the Board’s previous practice in the publication of appeal decisions on the website and describes how the Board will balance public accountability with personal privacy in the public release of its reasons for decision going forward. The policy was effective for appeals filed after January 1, 2017.

A handwritten signature in purple ink that reads "Helen del Val". The signature is written in a cursive, flowing style.

Helen Ray del Val, Chair
Community Care and Assisted Living Appeal Board

Mandate

Section 29 of the *Community Care and Assisted Living Act*, S.B.C. 2002, c. 75 (“the Act”) provides that a Chair and other members are to be appointed to the Community Care and Assisted Living Appeal Board by the Lieutenant Governor in Council after a merit based process.

The CCALAB is an independent administrative appeal board that is vested with important statutory powers, exercises adjudicative functions and must exercise those functions in accordance with the law.

The Board’s purpose or mandate is to provide a specialized, independent, accessible and cost-effective forum for the hearing of appeals as described in s. 29(2) and 29(3) of the *Act* which, in summary, provide for appeals that fall into these five categories:

1. Appeals from Medical Health Officer licensing decisions under s. 17(3)(b) of the *Act* regarding community care facilities.
2. Appeals from decisions under s. 8 of the *Act* concerning the early childhood educator certificates of persons who wish to work in a community care facility.
3. Appeals from a Minister’s decision under s. 23 of the *Act* to appoint an administrator to operate a community care facility.
4. Appeals by a person in care, or a person their behalf, challenging a Medical Health Officer’s decision under s. 16 to grant a licensee an exemption from the *Act* or regulations.
5. Appeals from the Assisted Living Registrar’s registration decisions under s. 28(3)(b) of the *Act* in relation to assisted living residences.

The Ministry of Health’s *Guide to Community Care Facility Licensing in British Columbia* (the *Guide*)¹ describes a community care facility as follows:

A community care facility is a premises or part of a premises (including the outdoor area) in which a person provides care to three or more individuals who are not related to him/her by blood or marriage. A person who provides care is described as a *licensee* in the *CCALA* and may also be described informally as an *operator*. A licensee may be an individual -- as is often the case in small child day care facilities - - a not-for-profit society, a corporation, a local/municipal government or an

¹ *A Guide to Community Care Facility Licensing In British Columbia*, pp. 2-3.

aboriginal governing body. Facilities that provide care as defined in the *CCALA* require a community care facility licence.

Community care facilities include child day care and residential care facilities for children, youth, and adults. These include residential care facilities for seniors, sometimes referred to informally as *long term care facilities*, *continuing care facilities* or *nursing homes*. Also included are facilities that are sometimes referred to informally as *group homes*; these may include smaller residential care facilities for persons with developmental disabilities, facilities that provide detoxification and intensive treatment for persons with substance abuse disorders, facilities for persons with mental health disorders or brain injuries, and residential care facilities for children and youth. Residences providing highly-specialized care, such as hospices, are also licensed under the *CCALA*.

Community care licensing is one of the primary mechanisms used by government to ensure that care and supervision provided to vulnerable persons meet minimum health and safety requirements. The *CCALA*, the Residential Care Regulation, and the Child Care Licensing Regulation establish the minimum health and safety requirements that licensees must meet. Licensees protect and promote the health, safety and dignity of the persons to whom they provide care through meeting and in many cases, exceeding, the requirements of the *Act* and its regulations.

The Guide describes “assisted living” as follows:

Assisted living is an option between home health services and care in a facility that is available for adults (e.g., a community care facility, also known as residential care or complex care). The *CCALA* is based on the principles that an assisted living residence does not need the same extensive regulation and proactive monitoring of a community care facility because people are capable of making decisions on their own behalf, but that there needs to be greater protection than when living persons are in independent private homes or in supportive housing. Facilities that provide high levels of care must be licensed under the *Act*, while residences that provide assisted living services must be registered.

Section 8 the *Act* provides for the certification of those who care for young children as follows:

8 (1) A certificate may be issued to a person in accordance with the regulations stating that the person has the qualifications required by the regulations for

certification as an educator of children, or as an educator in the manner specified in the certificate respecting children, at a community care facility.

(2) A certificate issued under subsection (1) or under section 9 of the Community Care Facility Act, R.S.B.C. 1996, c. 60, may be suspended or cancelled, or terms and conditions may be attached to it, following a hearing established and conducted in accordance with the regulations.

The certification process in British Columbia has been described as follows²:

Under the authority of the *Community Care and Assisted Living Act* (2004) and the Child Care Licensing Regulation, the Director of the Early Childhood Educator Registry sets standards for the certification of early childhood educators (ECEs) in British Columbia. Part of this process includes the approval of post-secondary training programs that have been evaluated and found to provide students with the knowledge, skills and abilities required to be meet this standard. The standard for certification is based on the Child Care Sector Occupational Competencies that were established by British Columbia’s Multi-Lateral Task Force on Training, Career Pathing and Labour Mobility in 2000. ECE Registry staff review applications from post-secondary ECE programs, and if required, will conduct an on-site visit to the facility as part of the approval process.

While the Medical Health Officer is responsible for child and adult community care facilities licensing, the Child Care Licensing Regulation vests responsibility to issue section 8 certificates in the “Director of the Early Childhood Educator Registry”. The Director is a provincial official who heads the Early Childhood Educator Registry (the Registry), the provincial body responsible for:

- Certification of individuals who qualify for an Early Childhood Educator (ECE) or an Early Childhood Educator Assistant (ECEA) Certificate.
- Recognition, monitoring and supporting educational institutions that offer early childhood education curriculum in British Columbia.
- Investigation of practice concerns of ECEs and ECEAs.

The certificate is a type of professional designation, which is granted only after the applicant has completed educational and other requirements.

In summary, the *Act* contemplates a variety of first instance decision-makers and their delegates within government and throughout the health regions making what are collectively many thousands of licensing, registration and certificate decisions each year. The Board’s appeal

² Child Care Human Resources Sector Council, “Pathways to Early Childhood Credentialing in Canada (2009) at p. 24.

process is crucial to ensuring an objective and arm's length review of these licensing, registration and certification decisions. Licensing, registration and certificate decisions can have very serious impacts on the individuals affected. That is why the legislature has given a "licensee, an applicant for a licence, a holder of a certificate under section 8, a registrant or an applicant for registration" the rights of appeal set out in s. 29(2) of the *Act*.

Section 29(11) states that the Board *must* receive evidence and argument as if the proceeding before it "were a decision of first instance". While the Board receives a record of any material that was before the decision-maker, the Board is not confined to the information that was before the decision-maker under appeal. The Board can hear fresh evidence, while always recognizing that the appellant bears the burden of showing that the decision under appeal was not "justified".

In deciding an appeal, s. 29(12) of the *Act* confers a broad remedial authority on the Board. The Board may confirm, reverse or vary a decision under appeal, or may send the matter back for reconsideration, with or without directions, to the person whose decision is under appeal.

Tribunal Membership

Throughout this reporting period the CCALAB membership consisted of:

<i>TRIBUNAL MEMBER</i>	<i>ROLE</i>	<i>TERM EXPIRY</i>
Helen Ray del Val	Chair	2018-07-31
Alison Narod	Vice-Chair	2019-07-31
Tung Chan	Member	2018-07-31
Shelene (Shelly) Christie	Member	2019-07-31
Harry Gray	Member	2019-07-31
Patrick Lewis	Member	2019-02-23
Richard Margetts, Q.C.	Member	2018-07-31
Lynn McBride	Member	2018-06-30
Donald W. Storch	Member	2019-07-31

BIOGRAPHIES FOR THE TRIBUNAL MEMBERSHIP AT THE END OF THE REPORTING PERIOD ARE AS FOLLOWS:

Helen Ray del Val, Chair

Helen R. del Val, ICD.D is a mediator (member of the Civil Roster of Mediate BC) and a retired lawyer. She is a past Chair of BC's Financial Institutions Commission and current Chair of the Community Care and Assisted Living Appeal Board. Formerly she was the commissioner representing the BC and Yukon regions on the Canadian Radio-television and Telecommunications Commission (CRTC). She also taught telecommunications regulation internationally. She had practiced business law in major Vancouver law firms and also as senior counsel in a telecommunications company. Committed to community service, she currently serves as ex-officio director (immediate past President) of the British Columbia Council of Administrative Tribunals and as an adjudicator of the Canadian Broadcast Standards Council. Formerly she also served as a director of the Justice Education Society of BC. and was a director of Vancouver's Chinese Cultural Centre and of S.U.C.C.E.S.S. Born and raised in Hong Kong, she moved to Canada at age 15. She attended UBC and was the medalist for graduating with the highest standing in the Arts Faculty. She then graduated from UBC Law School.

Alison Narod, Vice-Chair

Alison Narod is a graduate of Osgoode Hall Law School (LL.B., 1982) and McGill University (B.A., Hons., 1975), and a Member of the Law Society of British Columbia. Alison currently practices in the areas of labour and employment law, human rights, workers compensation, administrative and family law at the Vancouver law firm of Farris, Vaughan, Wills & Murphy LLP. Alison is currently a Disciplinary Panel Chair for the Investment Industry Regulatory Organization of Canada, the Vice-Chair of the Community Care and Assisted Living Appeal Board, a Director of ACT Autism Community Training Society, a Member of the Board of Directors of the B.C. Safety Authority and a Member of the Canadian Bar Association (BC Branch).

Tung Chan

Tung Chan is an Honorary Captain of the Canadian Navy and the former Chief Executive Officer of S.U.C.C.E.S.S., a group of registered charities dedicated to the creation of a world of multicultural harmony by building bridges, harvesting diversity and fostering social integration. His responsibilities in that capacity included the operations of a senior care home. Tung is also a Director of the Vancouver Foundation, a member of the Community Care and Assisted Living Appeal Board, and Chair of the Board of the Canadian Museum of Immigration at Pier 21 and a Director of the Canadian Foundation of Economic Education. Tung's early career included stints as a stock broker in Hong Kong and a waiter in Holland; since coming to Canada in 1974 at the age of 22, Tung has been a waiter, a bartender, a radio program producer, a Councillor and Deputy Mayor with the City of Vancouver, a branch manager of the Royal Bank and a vice-president of the TD Bank Financial Group, where he had operational and strategic responsibilities for two overseas branches (Hong Kong and Taiwan) and 17 domestic branches. Tung has volunteered his time in leadership positions of numerous civic, cultural, business and educational organizations, including E-Comm Emergency Communications (Board Chair), Richmond Public Library (Board Chair), Fairchild TV (Program Advisory Board Chair), International Financial Center Society of BC (Vice Chair), BC Premier's Chinese Community Advisory Committee (Member), Province of BC Equal Opportunity Community Advisory Board (Member), Kwantlen Polytechnic University (Board Member), Asia Pacific Foundation (Board Member), the Immigrant Employment Council of British Columbia (Board Member), the Metropolis BC (Board Member), and the United Way of the Lower Mainland (Board and campaign cabinet member). In 2002, Tung was awarded the Queen's Jubilee Medal in recognition of his contribution to the community. In 2014, Tung was invested into the Order of BC.

Shelene (Shelly) Christie

Shelly Christie is a qualified Early Childhood Educator and obtained her degree in Child and Youth Care from the University of Victoria in 1994. Shelly has worked in the field of early childhood learning and care for more than 35 years in a variety of settings including pre-school, daycare, family resource programs and Child Care Resource and Referral. Shelly has also taught a variety of Early Childhood Education courses at Fraser Valley College (now University of the Fraser Valley), Langley Continuing Education and Pacific Rim Early Childhood Education. Shelly recently retired after working for the past 17 years as a Child Care Licensing Officer with Vancouver Coastal Health Authority and Fraser Valley Health Authority.

Harry Gray

Harry Gray has over 30 years of experience in the health care and post-secondary industries and has worked in a variety of administrative roles, advising employers in sectors including Community Care, Assisted Living, Long Term Care and Acute Care and post-secondary. Harry acquired extensive experience in advocacy and mediation of labour disputes. Harry holds a Master of Industrial Relations from Queen's University and a Bachelor of Commerce, (Finance & HR) from the University of British Columbia. Harry was the Associate Vice President of Administration at Kwantlen Polytechnic University, from 2010-2016 where he was responsible for Human Resources, Facilities Management, Security and Emergency Planning. From 2005 to 2009 he was the Director, Consulting Services at the Health Employers Association of BC. From 2001 to 2005 he worked at Vancouver Coastal Health Authority and prior to that was the Regional Director, Human Resources for the North Shore Health Region.

Patrick Lewis

Patrick Lewis is a Partner at the litigation firm, Sugden, McFee & Roos LLP, in Vancouver, practicing exclusively in the area of civil litigation with an emphasis on commercial disputes. He was admitted as a barrister and solicitor to the Bar of the Province of British Columbia on June 14, 1985. The cases Mr. Lewis handles include securities litigation, mining disputes, professional liability claims and defence thereof involving lawyers, doctors, engineers and accountants, corporate litigation, insurance litigation, real property disputes, defamation claims, banking litigation, employment disputes and personal injury actions. Mr. Lewis has appeared in all levels of courts in British Columbia, the Federal Court of Canada and been involved in opposing applications for leave to appeal to the Supreme Court of Canada in a number of cases. As of August 30, 2010, Mr. Lewis has been a member of the Financial Services Tribunal and in that capacity adjudicates appeals from the decisions of statutory regulatory agencies in British Columbia. Mr. Lewis is a member of the B.C. Branch of the Canadian Bar Association, Civil Litigation Subsection. He is also a member of the Trial Lawyers Association of British Columbia, a guest lecturer for the Continuing Legal Education Society of British Columbia and a Moot Court Judge at the U.B.C. Law School.

Lynn McBride

Lynn McBride (B.A. (Linguistics), LL.B., E.C.E.) is the Community Engagement Coordinator with Legal Services Society (LSS); in that role, she provides training and support to community agencies in BC who partner with LSS to increase awareness of and access to legal services and resources. Another primary aspect of her work is to connect and engage with rural, remote and Aboriginal communities throughout the province to find innovative ways to make public legal education and information more accessible to them. Lynn's prior work history includes working as an educator and as a lawyer. She practiced law for 12 years, where she gained extensive litigation, research and writing experience. She is also a qualified Early Childhood Educator with experience working in daycare (3 to 5 year olds), preschool, and out of school care.

Richard S. Margetts, Q.C.

Richard Margetts is a Lawyer and Partner with Johns, Southward, Glazier, Walton & Margetts. His area of practice is restricted to personal injury, corporate, commercial and insurance litigation. He is a Life Bencher and past President of the Law Society of British Columbia. Mr. Margetts has chaired and sat on many Law Society Committees including Executive, Discipline, Credentials and Practice Standards. Mr. Margetts is the Past President of CanLII and the past Chair of the British Columbia Justice Review Task Force. In the community, Mr. Margetts is a past Secretary of the YM/YWCA (Victoria) and a past Director of the Vancouver Island Road Relay. Mr. Margetts is a regular speaker on profession, legal and procedure training programs. Mr. Margetts holds his Bachelor of Arts (Honours) from Monash University in Melbourne, Australia and his Bachelor of Laws from the University of British Columbia. He was called to the British Columbia Bar in 1981.

Donald W. Storch

Donald holds a BA from the University of Alberta in Sociology and a Masters in Social Work from McGill (MSW). Following graduation from McGill he was employed as a counsellor and family life educator at the Family Service Association in Edmonton. He became Executive Director of that organization in 1970. From 1976 to 1991 he was Vice President of Services for Children for Catholic Social Services. In 1991 he joined

an Employee Assistance firm in Calgary (Kelly Lutmer and Associates) and managed the EAP at the University of Calgary. From 1997 to 2001 he was a counsellor with an EAP program in Duncan BC, (South Vancouver Island Counselling and Assessment Service). He then operated his own private practice in Victoria from 2001 to 2014. Don received an Order of Canada for his extensive volunteer activities in 2008. These volunteer activities included serving on many boards and becoming Chair of the Board of the Victorian Order of Nurses of Canada, the Good Samaritan Society of Canada (on 2 separate occasions), the Alberta Association of Children and Families, of Our Place in Victoria and Council member and Chair of several Lutheran congregations in Alberta and BC. He was a member of the Governing Council of the Evangelical Lutheran Church in Canada beginning in 1997 and then served as Council Secretary from 2000 to 2011. Donald was a peer reviewer for the North American Council of Accreditation for Children and Families from 1975-2001, conducting visits in the USA and Canada. Mr. Storch is also a member of the Employment and Assistance Appeal Tribunal.

Operations

Effective December 1, 2004, the administrative support functions of the CCALAB were consolidated with the Environmental Appeal Board/Forest Appeals Commission Appeals Office (Appeals Office) in Victoria.

In addition to the CCALAB, the Appeals Office provides administrative support to five other adjudicative tribunals. This clustering of the administrative support for eight independent appellate tribunals has been done to assist government in achieving economic and program delivery efficiencies by allowing greater access to resources while, at the same time, reducing administration and operating costs. The additional tribunals include the:

- Health Professions Review Board;
- Hospital Appeal Board
- Financial Services Tribunal;
- Industry Training Appeal Board; and,
- Oil and Gas Appeal Tribunal.

This move has resulted in significant savings to government for the operation of the CCALAB through a shared services cluster approach which takes advantage of synergy and assists government in achieving economic and program delivery efficiencies.

This arrangement has been in operation for over 12 years now and has proven to be a very effective and efficient means for providing administrative support to the CCALAB, which in turn enables the CCALAB to effectively and efficiently fulfill its appellate mandate to the public.

Effective April 1, 2017, host Ministry responsibilities for administration of the Community Care and Assisted Living Appeal Board (including budget oversight and member appointments, human resources, facilities, and records supports, etc.) were transferred to the Attorney General as part of the Tribunal Transformation Initiative.

Contact Information

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EMAIL: ccalab@gov.bc.ca

WEBSITE: <http://www.ccalab.gov.bc.ca/>

Appeal Activity and Decisions Issued

APPEALS FILED

There was one new appeal filed during this reporting period, in addition to three open appeals from the previous period. The new appeal filed is described below. One matter remained outstanding at the end of this reporting period.

2016-CCA-002 BY A FAMILY CHILD CARE PROVIDER, FILED AUGUST 8, 2016 - Appeal of conditions attached to the child care facility licence prohibiting the provider’s son from being present in the family home at any time that care was being provided to the children in care. The Board provided a member to conduct a mediation between the Medical Health Officer and the Licensee after which the appellant (Licensee) advised that a settlement of the issues under appeal had been reached and accordingly she was withdrawing her appeal.

DECISIONS ON THE MERITS ISSUED

In addition to the decision described below on the merits of the appeal, one matter was summarily dismissed for failure to diligently pursue and one matter was withdrawn after having been resolved between the parties as a result of Board assisted mediation efforts.

There were also 4 preliminary decisions issued regarding a number of matters including applications for production of documents and witnesses, a summary dismissal, issues in regard to the appeal record, an application for a site visit and an application to stay an appeal proceeding and adjourn the hearing indefinitely.

2015-CCA-002(b) X v. Y Health Authority

Decision Date:	October 24, 2016
Issue:	The primary issue on appeal was whether the licensing decision that resulted in the cancellation of the appellant’s licence to operate a child care facility was justified. In considering that issue, the panel considered a number of sub-issues encompassing staffing and supervision; record keeping; outdoor play space; nutrition; the ability of the licensee; fairness of the investigation and allegations of bias.
Disposition:	The panel agreed with the appellant that some of the contraventions cited by licensing may have been less serious and/or not adequately proven, but did not agree that was evidence of unfairness or bias on the part of licensing. The panel noted that the standards set out in

the Act and Regulations are minimum standards that all facilities are expected to meet at all times. The panel also accepted the positive evidence on behalf of the licensee and found that she had been a caring operator. However, the panel found that was not sufficient for a licensed care facility as licensing must be satisfied that operators are providing a level of care to the children that anticipates their needs and ensures their ultimate safety. The panel found that supervision at the daycare was inadequate, the appellant demonstrated poor judgement in responding to serious incidents occurring at the facility and a demonstrated inability to appropriately address the supervision and safety issues. The panel found that licensing's lack of confidence in the appellant's ability to ensure serious events would not occur or would be appropriately handled was justified. The concerns raised in the appeal were serious and constituted strong grounds for cancelling the licence. Accordingly, **the Appeal was dismissed** and the decision to cancel the appellant's licence was upheld.

Appeal Decision: <http://www.ccalab.gov.bc.ca/dec/2015cca002b.pdf>

Matters Outstanding at end of Period

There was one matter outstanding at the end of this reporting period which was before a panel of the Board for adjudication after an oral hearing. A Decision on this outstanding matter will be issued and described in the next reporting period.

Judicial Review of CCALAB Decisions

There were no applications for judicial review of CCALAB decisions filed in or issued by the BC Supreme Court in this reporting period.

Performance Indicators and Timelines

Section 59.2(b) and (d) of the *Administrative Tribunals Act* requires the Board to report on performance indicators, and provide details of the time from filing to decision of matters disposed of by the Board in the reporting period.

The CCALAB appeal process has been designed to be a timely, efficient and cost effective means to hear these important matters. Appeals are a full rehearing of the matter akin to “hearings de novo”, except that the onus remains on the Appellant under section 29(11) to prove that the decision being appealed was not justified. Hearings are primarily conducted in person with a three person panel, however, where circumstances are appropriate, hearings have also been heard in writing before a single panel member. The Board generally designates a lawyer to act as panel chair, with side panelists having adult or child care or administrative experience to ensure the appropriate expertise on the panel to deal with the various issues arising on appeal.

Where appropriate, the Board explores with the parties the possibility of mediation or some other form of collaborative resolution of the issues on appeal. In this reporting period the Board referred one matter to mediation before a member of the Board, as a result of which the parties were able to resolve the matter and the appellant withdrew the appeal.

For those appeals closed within this reporting period (3 appeals), the overall average time from the date of filing an appeal to its disposition was 420 days or approximately 14 months. The shortest time from open to close was 133 days (approx. 4 mos.) and the longest was 615 days (approx. 20 mos.) For those matters resolved without a hearing, the average time was 374 days. For those appeals requiring a hearing on the merits and adjudication, the average time from filing to decision was 514 days.

The Board’s Practice Directive #1, which is available on the Board’s website, provides that the Board will endeavour to issue a copy of the final decision or order, including written reasons, to each party within 90 days from receiving the last submissions of the parties. In the one appeal that proceeded to an oral hearing and adjudication during this reporting period, the Board was not able to meet that standard due to the length of the hearing, the amount of evidence (documents and testimony) and the complexity of the issues, all of which required extra time and care in drafting the decision.

Finally, section 59.2(e) of the *Administrative Tribunals Act* requires the Board to report the results of any surveys carried out by the Boards during the reporting period. The Board did not conduct any surveys during this reporting period.

Statement of Financial Performance

(For the fiscal year ended March 31, 2017)

In fiscal year 2016/2017, the CCALAB incurred expenses of \$100,995 as detailed below in this six year chart. The expenses for this reporting period reflect the larger than usual number of appeals dealt with during this reporting period (4 appeals), as well as the increased complexity of the issues, number of preliminary matters dealt with and the length of the two hearings that were held (5 days each).

<i>Direct Expenses</i>	2011/2012 \$	2012/2013 \$	2013/2014 \$	2014/2015 \$	2015/2016 \$	2016/2017 \$
Salaries and Benefits	0	0	0	0	0	0
Board Member Fees & Expenses	45,199	31,933	52,422	74,173	23,481	80,171
Professional Services	233	80	3,664	14,158	819	16,615
Office and venue Expenses	5,037	3,680	7,298	3,053	1,437	4,182
Other	30	30	27	27	27	27
<i>Total CCALAB Expenses</i>	\$50,499	\$35,723	\$63,411	\$91,411	\$25,764	\$100,995

