BRITISH COLUMBIA

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DECISION NO. 2019-CCA-003(a)

In the matter of an appeal under section 29 of the *Community Care and Assisted Living Act*, SBC 2002, c 75

BETWEEN:	Safwana Ahmed	**APPELLANT**
AND:	Vancouver Coastal Health Authority	**RESPONDENT**
BEFORE:	A Panel of the Community Care and Assisted Living Appeal Board Alison Narod, Board Chair	
DATE:	Conducted by way of written submissions concluding on April 02, 2020	
APPEARING:	For the Appellant: Clea F. Parfitt, Counsel For the Respondent: Robert P. Hrabinsky, Counsel	

Preliminary Decision on Form of Hearing

INTRODUCTION

[1] This is a preliminary decision in the above-noted matter. The issue is whether the appeal of a Medical Health Officer's decision should be heard by way of an oral hearing or a written hearing. The Medical Health Officer (the "MHO") confirmed a Senior Licensing Officer's decision to deny the Appellant a license to operate a Family Daycare for 3 or more children.

BACKGROUND

[2] The circumstances of this case are unique. At the pre-hearing case management conference the Respondent raised its wish to have a written hearing and contended that I should decide the matter then and there, without requiring

the Respondent to make an application that would entail the exchange of written submissions between the parties. The Respondent's position in the conference was that an oral hearing is not necessary in the instant case, and if an oral hearing were to be held, the MHO would wish to attend, but would be unable to do so because of her professional obligations in relation to the current coronavirus pandemic. The Respondent further stated that a written hearing would be more efficient and timely than an oral one.

[3] The Appellant seeks an oral hearing because she contests the facts on which the MHO arrived at her conclusions. She says the contested facts raise issues of credibility that are central to the dispute, and that the facts that the Appellant admits do not justify denying her a license. I will address these issues further below.

[4] However, first, I will address the practices of the Community Care and Assisted Living Appeal Board (the "CCALAB") and the law regarding its procedural powers. It has been the CCALAB's practice to conduct its appeals of MHO decisions primarily by way of oral hearings.

[5] Under section 29(11) of the *Community Care and Assisted Living Act* (the "CCALA"), the CCALAB appeal process is a hybrid between a hearing de novo and an appeal on the record, with the appeal being closer to a de novo hearing. However, an appeal differs from the written process that the MHO undertakes, among other things, because the Appellant bears the burden of proving her case. Jurisprudence and statute have recognized the right of an administrative tribunal to control its own process, including the right to determine the form of a hearing, absent any statutory constraint on that right.

[6] Provisions of the *Administrative Tribunals Act* (the "ATA") that are applicable to the CCALAB empower it to control its own processes and make rules respecting practice and procedure to facilitate the just, and timely resolution of the matters before it (section 11 of the ATA). Additionally, the ATA authorizes the CCALAB, "in an application or an interim or preliminary matter" to hold any combination of written, electronic and oral hearings (section 36 of the ATA). As the Respondent points out, the overarching theme is that the tribunal facilitate the "just and timely resolution" of such matters.

[7] The CCALAB has established its own Rules of Practice and Procedure (the "Rules") that reflect these legislative provisions. CCALAB Rule 12(1)(d) provides that the Board will manage the appeal process to ensure the just and timely hearing of appeals, including determining whether "preliminary or interim or the hearing of an appeal" will be conducted by any combination of written, electronic or oral hearing. Moreover, CCALAB Rule 13(4)(e) provides that the Board member or delegate appointed to conduct an appeal management conference may discuss any evidence that will be required and the procedure that will be followed for the hearing of the appeal. Both of those provisions support the Board's power at an appeal management conference to discuss and require a party to make a written application for a preliminary decision about what should be the form of the appeal hearing.

[8] The jurisprudence also indicates that although a quasi-judicial tribunal such as the CCALAB owes a duty of procedural fairness to parties appearing before it, the content of that duty may vary according to the statutory, institutional and social context. The following headnote to the Supreme Court of Canada's decision in *Baker v Canada (Minister of Citizenship and Immigration)*,[1999] 2 SCR 817, was cited with approval in *Allard v Assessor of Area #10 – North Fraser Region*, 2010 BCCA 437, as conveniently summarizing the factors relevant to deciding the content of that duty in a particular case (*Allard* at para 81):

> The duty of procedural fairness is flexible and variable and depends on an appreciation of the context of the particular statute and the rights affected. The purpose of the participatory rights contained within it is to ensure that administrative decisions are made using a fair and open procedure, appropriate to the decision being made and its statutory, institutional and social context, with an opportunity for those affected to put forward their views and evidence fully and have them considered by the decision-maker. Several factors are relevant to determining the content of the duty of fairness: (1) the nature of the decision being made and process followed in making it; (2) the nature of the statutory scheme and the terms of the statute pursuant to which the body operates; (3) the importance of the decision to the individual or individuals affected; (4) the legitimate expectations of the person challenging the decision; (5) the choices of procedure made by the agency itself. This list is not exhaustive.

[9] More recently, the BC Court of Appeal, in *Cariboo Gur Sikh Temple Society (1979) v British Columbia (Employment Standards Tribunal)*, 2019 BCCA 131 wrote (at para 13):

> The principles of natural justice reflect procedural protections that ensure parties are afforded the right to know the case against them, the right to respond, and the right to have their case decided by an impartial decision-maker, the content of which rights varies with the statutory, institutional and social context in question.

ISSUE

[10] The issue now before me is whether this matter should be heard in the form of a written or an oral hearing.

[11] The jurisprudence makes it clear that the duty of procedural fairness does not always require an oral hearing and that the form of hearing is a matter of the tribunal's discretion, where there are no statutory or legal constraints requiring otherwise (*Allard* at paras 90 and 100).

[12] I take notice of the fact that while various tribunals may typically hold hearings in one form, whether it is written, electronic or oral, they often consider similar criteria in determining whether that, or another form will better provide a just and timely hearing for the parties coming before it. Those criteria may include, but are not limited to, the following:

a) Whether there are material facts in dispute;

b) Whether credibility is a significant or central issue;

c) Whether there are legal issues in dispute, that do not involve significant issues of fact or credibility;

d) Whether the proposed form of hearing is proportional to the circumstances, including, for example, the importance, complexity and costs of the matter;

e) Whether the proposed form of hearing will provide a party with a fair and full opportunity to be heard;

f) Whether the form of hearing will be prejudicial to a party;

g) Whether there are unusual circumstances or particular needs of a party.

[13] This list is not exhaustive. Moreover, the presence or absence of any one of these criteria is not necessarily determinative.

RELEVANT LEGISLATION

[14] Relevant provisions of the CCLA include the following:

> **Operating or advertising without a licence**
>
> 5 A person who does not hold a licence must not
>
> (a) operate, or hold themselves out as operating, a community care facility,
>
> (b) provide, or hold themselves out as providing, care in a community care facility, or
>
> (c) accommodate, or hold themselves out as accommodating, a person who, in the opinion of a medical health officer, requires care in a community care facility.
>
> **Powers of medical health officer**
>
> 11 (2) A medical health officer must not issue a licence under subsection (1) unless the medical health officer is of the opinion that the applicant,
>
> (a) if a person …
>
> (iii) has the personality, ability and temperament necessary to operate a community care facility in a manner that will maintain the spirit, dignity and individuality of the persons being cared for….

THE DECISION UNDER REVIEW

[15] The decision under appeal is the MHO's November 7, 2019 decision to confirm the decision of Community Care Facilities Licensing ("Licensing") refusing to issue the Appellant a license to operate a Family Child Care facility under section 11(2) of the CCLA.

[16] Very briefly, the procedural history of the decision under appeal is that:

a) In early 2019, the Appellant applied for a Family Child Care Licence.

b) On April 16, 2019, a Senior Licensing Officer ("SLO") wrote the Appellant to advise that her application had been denied.

c) On May 9, 2019, counsel for the Appellant write to the MHO asking for reconsideration of the April 16, 2019 decision.

d) On June 12, 2019, the MHO wrote the Appellant to advise that she was "unable to determine what the SLO's reasons were for denying the Licence" and she was "unable to determine what evidence the SLO relied upon in making her decision." As a result, the MHO made an interim decision to suspend the proceeding until she received a letter from the SLO more thoroughly documenting her reasons and all the evidence the SLO relied on in making its decision.

e) On July 7, 2019, the SLO provided the letter and evidence.

f) On July 23, 2019, before obtaining submissions from the parties about the new materials supplied by the SLO, the MHO wrote the Appellant to advise that she had confirmed the SLO's April 16, 2019 decision refusing the Appellant's application for a license.

g) On September 11, 2019, counsel for the Appellant pointed out that the MHO had made her July 23, 2019 decision before obtaining the Appellant's submission, despite having previously assured her that she would have an opportunity to make a submission about the new materials.

h) On September 19, 2019, the MHO wrote counsel for the Appellant, acknowledged that a question might arise about whether the Appellant had a meaningful opportunity to make submissions on the new material and provided more time for the Appellant to do so.

i) On October 4, 2019, counsel for the Appellant made additional submissions about the new materials

j) On November 7, 2019, the MHO wrote the Appellant to advise that she had confirmed the SLO's April 16, 2019 decision refusing the Appellant's application for a license.

[17] In the MHO's July 23, 2019 decision, written before she obtained the Appellant's submission, the MHO found:

a) In 2012, Ms. S was the primary operator of a day care located at a residential address in Vancouver. However, Ms. Ahmed participated in the care of the children. At that time, a minimum of four children were being provided care. Thus, Ms. Ahmed hosted at her house, and participated in care of children in a daycare that was operating unlawfully.

b) In 2014, Ms. Ahmed and Ms. S were caring for a minimum of four children and operating unlawfully.

c) In 2018, Ms. Ahmed acknowledged that she was caring for four children and was operating unlawfully.

[18] In her July 23, 2019 decision the MHO confirmed Licensing's decision to refuse to issue a license to Ms. Ahmed, writing:

> Ms. Ahmed operated a licensed childcare facility between 2003 and 2007, and thus was aware of the legislative requirements prior to each of these incidents. Through a repeated history of unlawful operation Ms. Ahmed has demonstrated herself to be ungovernable. [underlining added]

[19] In her November 7, 2019 decision, after she obtained the Appellant's submission, the MHO confirmed Licensing's refusal decision. Part of her reasons were that she was satisfied that Ms. Ahmed did not meet the requirements of section 11(2) of the CCALA. In particular, she was not satisfied that Ms. Ahmed had the personality, ability or temperament to operate a community care facility in a manner that would maintain the spirit, dignity and individuality of the persons being cared for.

[20] The MHO found that the single incident of October 2018 was sufficient to ground an opinion that the Appellant did not meet the "personality, ability or temperament" requirement of section 11(2). As a former licensee, Ms. Ahmed should have been familiar with the applicable regulations. "By operating contrary to the CCALA, Ms. Ahmed …demonstrated a disregard for the regulations in a way that reveals her to be an unsuitable candidate for a licence."

[21] Despite this finding, the MHO went on to state that she was also satisfied that Ms. Ahmed's conduct in 2012 and 2015 demonstrated a disregard for the regulations and supported the same conclusion. The MHO disagreed with the Appellant's argument that the 2012 and 2015 incidents were too old to have any probative value or ought not to be considered due to the incomplete documentation of those events. She went on to find the following facts persuasive:

> (a) in 2012, an unlawful daycare was operating at a residence where Ms. Ahmed's daughter was the primary operator, but Ms. Ahmed assisted, and
>
> (b) in 2015, an unlawful daycare was operating at the same premises, where Ms. Ahmed and her daughter cared for a number of children. Ms. Ahmed admitted on one day that four children attended full-time and then Ms. Ahmed and her daughter contradicted the admission the next day by saying no more than two children attended at any one time.

THE PARTIES' SUBMISSIONS

[22] The Respondent says there is nothing in the circumstances of this appeal, including in the Appellant's legal arguments, that requires an oral hearing. Those arguments are (1) "reasonable apprehension of bias", (2), Licensing's alleged inability or failure to enforce against other non-compliant, licensed facilities operates to excuse the Appellant's past conduct as an unlawful operator, and (3) the MHO's decision is "unreasonable".

[23] The Respondent further argues that a presumption that hearings are to be heard orally is inconsistent and antithetical to the overarching principle that the mode of hearing should be the one that best facilitates "the just and timely resolution of the appeal". The Respondent maintains this issue should have been

discussed and resolved at the case management hearing, rather than made subject to the application of the Respondent. In the instant case, there is nothing to suggest that there are issues of credibility requiring examination and cross-examination of witnesses. Therefore, the hearing should proceed as a written hearing.

[24] The Respondent also says there are practical reasons why the CCALAB should proceed in the manner that is most "efficient", "speedy" and "timely". Medical Health Officers, who are tasked by statute with reconsidering certain decisions of Licensing, have wide-ranging and extensive responsibilities. The Respondent says that making an oral hearing a "default" mode of proceeding in CCALAB appeals, even when there are no credibility issues to resolve, would impose a significant cost on the Authority, whose MHO is represented by counsel and an unnecessary hardship to the MHO, in light of her other duties and responsibilities.

[25] The Appellant says that the manner of proceeding is up to the CCALAB, as per Rule 12(1)(d). The Board's Rules, practice and on-line materials contemplate that there will be an oral hearing, unless a party seeks a different result. It must be presumed that the Board sees this as a proper balancing of justice and efficiency.

[26] The Appellant strongly supports a form of hearing where the Appellant can be heard in her own words, ideally in person. She accepts that an in-person hearing is not possible in a known time-frame. She is anxious that the matter proceed as soon as possible. She supports a hearing by some form of video-conference, unless it becomes evident that we are within approximately a month of oral hearings becoming available again, in which case the Appellant would seek an in-person oral hearing

[27] The Appellant points out that, on appeal, the CCALAB proceeds to hear evidence and argument as if the proceeding was a decision of first instance, but the appellant bears the burden of proving the decision under appeal was not justified. That is, the CCALAB must conduct the hearing as if it were a fresh hearing, examine the evidence and arguments, undertake its own analysis of the issues and, where appropriate, make its own findings of fact.

[28] The Appellant says that the MHO's November 7, 2019 decision affirming Licensing's denial of the Appellant's application was based on the finding that the Appellant does not have the personality, ability and temperament necessary to operate a community care facility in a manner that will maintain the spirit, dignity and individuality of the persons being cared for. This in turn, argues the Appellant, was based on the MHO's finding that the Appellant had operated her unlicensed daycare with 4 children instead of 2 on multiple occasions. This, the Appellant says, was the only factor the MHO considered important, dismissing the relevance of parental references to that issue. The Appellant argues that there are a number of other factors that may result in the conclusion that the MHO's decision was not justified.

[29] Among other things, the Appellant says that where her personal qualities are in issue, an oral hearing is essential to providing her with a fair hearing. Additionally, it is necessary to hear from those involved in investigating her and

testing the reliability of their observations and conclusions. The most appropriate means for obtaining and testing this evidence is to permit cross-examination of oral evidence, either in person or by video-conference. The Appellant argues that an oral hearing will redress the deficiencies in the process to date by allowing the Board to consider the Appellant's capacities and qualifications in their entirety, as required by the CCLA.

[30] The Appellant responds to the MHO's argument about her current availability for an oral hearing by characterising it as an implication that she has more important things to do than participate in this hearing. The Appellant's position is that the MHO's other duties cannot displace her statutory obligations under the CCLA. The very few appeals of MHO decisions cannot be considered an undue burden. The Appellant suggests that this case addresses a denial of license and not a withdrawal of licensure, which can involve a much more lengthy history of alleged facts and infractions. Therefore, says the Appellant, it can be expected that the hearing of this matter can be concluded efficiently with an oral hearing, whether in person or by video-conference. The Appellant notes that the Respondent does not make a proposal about how the evidence should be adduced. If it is proposed that it be provided by affidavits, cross-examination may well become necessary, which may not make the proceeding quicker, more efficient or more just.

DECISION

[31] I return to the five factors referenced in *Allard* for ascertaining the content of the duty of fairness owed to the Appellant:

> (1) the nature of the decision being made and process followed in making it; (2) the nature of the statutory scheme and the terms of the statute pursuant to which the body operates; (3) the importance of the decision to the individual or individuals affected; (4) the legitimate expectations of the person challenging the decision; (5) the choices of procedure made by the agency itself.

[32] In my view, the content of the duty of fairness owed to the Appellant is relatively high. The nature of the appeal decision – an appeal of an MHO's reconsideration decision confirming the refusal by Licensing to grant a license to an applicant to operate a community care facility – is a quasi-judicial matter, to be conducted pursuant to a statutory power of decision. The nature of the statutory scheme is to regulate, in the public interest, community care and assisted living facilities that care for some of the most vulnerable members of our society. The decision is of great importance not only to the Authority responsible for regulation, but also to the proposed operator, whose livelihood will be significantly affected by the decision. The denial of the licence in this case was on a ground of further personal concern to the Appellant insofar as it was based on the Appellant's alleged lack of the requisite personality, ability and temperament. The legitimate expectation of an applicant on appeal is to have a fair and full hearing before a neutral adjudicator.

[33] The choices of procedure made by the CCALAB, have in practice been to offer oral hearings. This practice arose from the tribunal's experience and expertise with the parties to these appeals.

[34] Because of the nature of the hearing – hybrid closer to a de novo one - and the types of allegations made, an appellant typically wants to adduce new evidence, call witnesses who were not necessarily involved in the underlying decision and question the findings of Licensing employees who were involved in investigations. This is an important aspect of the hearing process and an important part of providing a meaningful avenue of appeal to appellants who are oftentimes unrepresented (while respondents typically have counsel) and need an opportunity to tell their side of the story. This is particularly the case where the subject matter of the appeal relates to an appellant's livelihood or personal characteristics and/or where the evidence in the hands of the Authority spans a lengthy period of time and has not been fully accessible to the appellant prior to a MHO's final decision.

[35] As such, where new evidence is tendered which needs to be tested, or where issues of credibility arise when testimonial and other evidence is disputed, and/or where breaches of procedural fairness in the underlying proceeding have been alleged, an oral hearing is generally the most balanced and appropriate way to accept this new evidence, test witness testimony through cross-examination, and cure breaches of procedural fairness if they have occurred. A practice is not binding, however, and parties may request that the hearing be held in another form or a combination of forms.

[36] The Authority questioned why the CCALAB would require an application to be brought in order for the Board to decide whether to hold an oral or written hearing. The purpose of an appeal management conference is to deal with hearing details including form, timing, length and submissions etc. Where the parties disagree on an administrative matter in relation to appeal management, the Board will decide the matter. Where the parties have not had an opportunity to make submissions on the point, or where unanticipated circumstances arise, it may be prudent, as a matter of procedural fairness, for the Board to seek submissions from the parties on their positions on why a particular course of action should be taken.

[37] In the present case, the Respondent raised the issue of wanting the hearing to proceed by written submissions shortly before a pre-hearing conference. The Appellant's counsel required instructions on whether she would be opposing the position, but she indicated that it would be likely that the Appellant would seek an oral hearing. As the Respondent raised the issue, as the circumstances of the COVID-19 pandemic raise unanticipated administrative issues, and as it is generally understood that an oral hearing is more robust than a written hearing, it made sense for the Respondent to bring an application for hearing the matter via written submissions. In the subsequent submissions, the Appellant was emphatic in her wish for an oral hearing, despite the fact that it might be delayed by the current COVID-19 pandemic. The Respondent continues to seek a written hearing, but has made no proposals about how evidence should be adduced if its request is granted.

[38] I now turn to the other criteria that have been considered in deciding whether an oral or written hearing should be held. In this case, I am persuaded by the following that in typical times, an oral hearing would be warranted:

a) There are material facts in dispute. Each decision made by employees of the Authority refers to allegations that the Appellant was found to have breached section 5 of the CCLA by operating an unlawful childcare centre,

with and without her daughter, in 2012, 2015 and 2018. Although the Appellant admitted the 2018 allegations, she has long disputed the 2012 and 2015 allegations. In particular, she says that:

i. her daughter, not jointly with her, operated a childcare facility in 2012, but she occasionally assisted her daughter, and

ii. she, without her daughter, operated a childcare facility in 2015. Although Licensing employees' notes state she admitted having more than 2 children in care, she quickly corrected that the next day to clarify that although more than 4 children attended her day care, there were never more than two children present at a time.

iii. the records of these incidents were incomplete, and no actual finding that she breached section 5 was made at the relevant time, rather, they are made now, in hindsight.

b) Credibility is a central issue in this matter. There is a dispute between the parties about the facts of the events in 2012 and 2015, which turn on the Appellant's credibility. For example,

i. there is a question of whether Ms. Ahmed operated an unlawful childcare facility in 2012 together with her daughter. She and her daughter say the daughter operated it alone, and Ms. Ahmed merely assisted on occasion.

ii. There is also a question of whether Ms. Ahmed and her daughter jointly operated an unlawful day care for more than 2 children at a time in 2015. As mentioned above, The Authority relied on its allegation that she admitted caring for 4 children on their first visit, while the Appellant denies making the admission and says she and her daughter corrected it the next day, saying that she never had more than 2 children present at any time. The Authority's only source of evidence for and against its proposition is the Appellant.

iii. Further, there is the question of whether the Appellant has the requisite personality, ability and temperament to operate a community care facility. In this case, the finding that she does not is based on evidence that may be founded in whole or in part on credibility issues.

c) Without making any findings about the following issue, I note that the MHO's reasons for decision appear to differ between her July 23 and November 7, 2019 decisions. In the former decision, before she obtained the Appellant's submissions on the new evidence, the MHO held that the Appellant had breached section 5 of the CCALA in each of 2012, 2015 and 2018. In the latter decision, after considering the Appellant's submissions on new evidence, the MHO found that the Appellant's breach of section 5 in 2018 was sufficient to justify the denial of the license in and of itself.

Her view of the earlier events supported that conclusion, despite what the Appellant argues is the frailty of the evidence. It is open to the appellate tribunal to consider what is the threshold of sufficiency, and to entertain evidence and submissions about this issue. In an oral hearing, a party may seek to make part of its case through the mouth of the other side's witnesses. In a written hearing, the same party may not have that opportunity. The Appellant may be prejudiced if she does not have that opportunity.

d) There are also legal issues that may be addressed, such as whether, and if so which, past events may be relied on as part of the alleged breach of section 5 that justifies the denial of the licence. For example, is the evidence of the 2012 event sufficiently cogent, compelling and timely to form the basis of a conclusion that the Appellant breached section 5 in 2012? If not, is it nonetheless sufficiently cogent, compelling and timely, to form part of the facts sufficient to justify the denial of the licence in 2019? I leave it to the panel hearing this appeal to decide whether this issue can be extricated from the credibility issue and heard separately for the purpose of narrowing the issues.

[39] In my view, the overriding consideration of providing a just and timely means of resolving this dispute is not displaced by proportionality and cost. The statute provides for appeals of MHO decisions about licensing of community care facilities. There are few oral hearings of appeals under the CCLA. In ordinary circumstances, it cannot be said that an oral hearing is an undue burden to an Authority and its MHO. Moreover, the Authority has not proposed a method of adducing evidence that will expedite a written appeal hearing materially.

[40] Despite the foregoing, I find there are unusual circumstances present as a result of the current COVID-19 pandemic. The public has been advised to distance themselves from others and oral hearings have been suspended or adjourned by courts and administrative tribunals, except for highly urgent cases. This is not one of those cases. Accordingly, for legitimate reasons it is not practical to conduct an oral hearing in the typical "in-person" form.

[41] Moreover, the MHO wishes to attend an oral hearing and cannot predict when she can make herself available due to her responsibilities during the pandemic. Although the Appellant questions whether the MHO's ability to attend is a relevant consideration, the Act makes her a party to this proceeding. The impact of the pandemic is significant and may legitimately curtail the MHO's ability to meaningfully participate in the hearing. However, the content of the duty of procedural fairness owed to the MHO varies, according to the criteria described above. In this case, there must be a balance of adaptations to the CCALAB's typical procedures, to ensure that both parties receive a fair hearing in the circumstances.

[42] Accordingly, I have decided to order that there be a composite form of hearing of this appeal. This will require the assigned panel to exercise its discretion to engage in case management discussions with the parties and make decisions from time to time about how to proceed. The hearing will start with each party

exchanging affidavits setting out their evidence. Each party will then have an opportunity to make submissions about the following issues:

a) which parts, if any, of the other side's affidavit evidence the panel should subject to cross-examination,

b) what additional questions each party may put to the other side's affiants, and whether those affiants must obtain the answers to those questions from the Authority if they do not know the answers themselves.

c) whether any further questions should be asked in the form of cross-examination, or by further affidavit.

d) whether a party may seek evidence from a person who has not provided an affidavit, but who could be subpoenaed by that party, and if so whether and, if so, how to obtain the evidence of that person.

[43] Following the evidentiary part of the hearing, the parties will make final submissions in writing.

[44] The next step in the hearing of this matter will be for the CCALAB to organize a hearing panel. After a panel has been set and the names of the panelists have been circulated to the parties for the purposes of conducting a conflict check, CCALAB staff will be in touch with the parties to arrange a pre-hearing teleconference to discuss a schedule for the above evidentiary process.

[45] At any future time, the panel will have the usual power to control its powers and procedures, including to determine whether/when to change the mode of hearing as contemplated above, or to provide for other means of hearing the evidence.

"Alison Narod"

Alison Narod,
Board Chair,
Community Care and Assisted Living Appeal Board

April 22, 2020