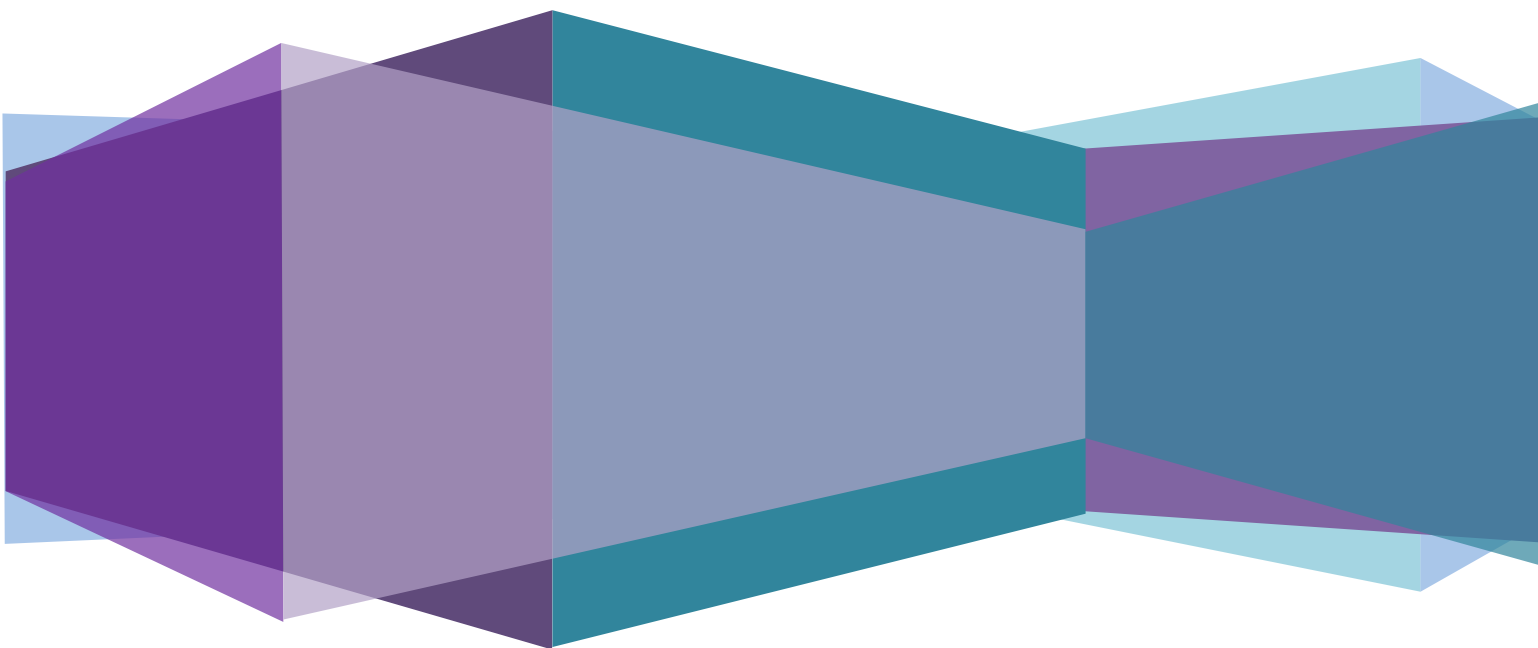




# Community Care and Assisted Living Appeal Board

2021-2022 Annual Report

Covering the reporting period from  
April 1, 2021 – March 31, 2022





# Community Care and Assisted Living Appeal Board

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January 20, 2023

Honourable Nikki Sharma, K.C.  
Attorney General  
Victoria, British Columbia V8V 1X4

Dear Attorney General:

**Re: Community Care and Assisted Living Appeal Board 2021-2022 Annual Report**

I am pleased to submit to you the Annual Report of the Community Care and Assisted Living Appeal Board for the fiscal year beginning April 1, 2021 and ending March 31, 2022.

Sincerely,

Alison Narod  
Chair,  
Community Care and Assisted Living Appeal Board

Encl.

## *Message from the Chair*

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I am pleased to submit the Annual Report of the Community Care and Assisted Living Appeal Board (the “CCALAB” or the “Board”) for the fiscal year beginning April 1, 2021 and ending March 31, 2022. This report is submitted pursuant to section 59.2 of the *Administrative Tribunals Act*.

During the reporting period, the COVID-19 pandemic continued to be a factor in the delivery of services. The Board operated within the guidance of the Provincial Health Officer, and within the framework of its Business Continuity Plan (BCP). Thanks to the ongoing flexibility of staff in the tribunal cluster, and the adaptability of Board members to new ways of working and interacting, the Board did not suffer significant service disruptions related to the pandemic during this reporting period. The office in Victoria remained open to the public throughout the reporting period, with steps taken to limit the risk of COVID-19 spread (i.e. limiting the number of staff in the office at any given time).

As a result of the ongoing pandemic and larger continuing trends, the Board’s operations continued to be primarily electronic as opposed to paper-based. In addition, during the reporting period, the Board implemented a more secure and efficient way of sharing appeal materials with members, improving data security.

Throughout the course of this reporting period, the Board continued to transition to the use of videoconferencing technology for oral hearings. The transition to videoconferencing for oral hearings has proved beneficial to the Board’s operations, improving flexibility and access to the Board’s process. The Board expects to continue to offer videoconference hearings in the future, as an alternative to in-person hearings.

### *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 were three new appeals filed with the Board. There were also three active appeals at the commencement of this reporting period.

Of the three appeals filed with the Board during the reporting period, one was disposed of without a hearing during the reporting period, and two of the appeals remained active at the end of the reporting period. Of the three appeals that were active at the commencement of the reporting period, one was disposed of through a final decision on the merits during the reporting period.

A total of four appeals remained active at the end of the reporting period. However, two of these appeals are grouped, so there were three separate matters before the Board.

Further details of these appeals, and the decisions which the Board issued in relation to them, are provided later in this report pursuant to section 59.2(c) of the *Administrative Tribunals Act*.

There were no applications for judicial review of CCALAB decisions filed and no judicial review decisions issued by the BC Supreme Court during the 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. Based on average numbers, the Board generally expects to deal with five to seven appeals each year. However, upcoming changes to the provincial legislation regulating Early Childhood Educators is likely to result in higher appeal volumes in the 2022-2023 reporting period and beyond. The Board will be in a better position to comment on this after the next reporting period.

Section 59.2(g) of the *Administrative Tribunals Act* requires the Board to report any trends or special problems it foresees. As identified in the last couple of reporting cycles, the main trend the Board has noted over the past several years is the increase in the complexity and length of the matters which come before it. Whereas in the past, many Board hearings were scheduled for one to three days and there were few, if any, preliminary applications for the Board to manage and adjudicate, the nature of the appeals coming before the Board appears to have changed. More complicated legal issues are being raised by the parties, and it is common for multiple preliminary applications to be made on appeals. These changes have contributed to an increase in the length of time between the filing of a Notice of Appeal and the scheduling of an oral hearing, the overall length of oral hearings, and the length of time to issue decisions.

### ***Plans for improving the Board's operations***

Section 59.2(h) of the *Administrative Tribunals Act* requires the Board to report its plans for improving operations in the future. Service delivery will continue to be reviewed over the next reporting period, and the Board will continue to capitalize on technological improvements. Of particular note, the Board has been working on a new website that will be rolled out in the next reporting period, with ongoing work being done to improve the accessibility of the information that is available to the public. The Board is also working on updating its Rules for Appeals. The Board will provide an update on the new website and updated Rules in its next report.



Alison Narod  
Chair, Community Care and Assisted Living Appeal Board

## *Mandate*

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Section 29 of the *Community Care and Assisted Living Act*, SBC 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 sections 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 section 17(3)(b) of the *Act* regarding community care facilities;
2. Appeals from decisions under section 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 section 23 of the *Act* to appoint an administrator to operate a community care facility;
4. Appeals by a person in care, or a person on their behalf, challenging a Medical Health Officer’s decision under section 16 to grant a licensee an exemption from the *Act* or regulations; and
5. Appeals from the Assisted Living Registrar’s registration decisions under section 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*) describes the *Act* and its purpose as follows<sup>1</sup>:

The CCALA governs both licensed community care facilities and registered assisted living residences. In BC, assisted living and facility care are parts of a continuum of care provided to persons who need ongoing support and assistance for a variety of health and disability-related reasons. CCALA also applies to children in licensed child day care facilities and children and youth in group homes.

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<sup>1</sup> *A Guide to Community Care Facility Licensing in British Columbia* (Updated, Spring, 2016), p. 19.

The *Act* contemplates a variety of 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 resources and time available to these decision-makers, and the processes they use to conduct investigations and make decisions, are far from uniform. Moreover, even the best “first instance” processes sometimes give rise to a perception by appellants that the process was not fair because the same government office was both “investigator” and “decision maker”. The Board’s independent process is therefore crucial to ensuring an objective and arm’s length review of licensing, registration and certificate decision-making, whether those decisions have been right or wrong.

Licensing, registration and certificate decisions can have very serious impacts on the individuals affected. That is why the legislature has given a “licencee, 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 section 29(2) of the *Act*. The need for licensing decision-makers to consider multiple interests was recognized by the Supreme Court in *Wilkins v. British Columbia (Attorney General)*, [1985] B.C.J. No. 1312 (S.C.), a case dealing with child care facilities.

The Board’s existence is predicated on the view that an appeal board is necessary to act as an independent safeguard to ensure that licensing, certificate and registration decisions are sound and accord with the law. An erroneous decision to refuse or revoke a licence may have serious adverse impact on access to a good quality placement for children or seniors in the region. An erroneous decision may severely disrupt the lives of parents of children in daycare, or adult children of aged parents in adult community care. And for the licensee, registrant or certificate holder, an erroneous, adverse decision may have a profound impact on that person’s livelihood and reputation.

Within this context, one key public interest purpose of the Board is to ensure that persons aggrieved by “first instance decisions” under the *Act* have access to a specialized forum, as an alternative to the courts, in which to hold those decisions to account in a fashion that is fair, efficient, specialized, transparent and independent.

A second public interest purpose of the Board is to ensure that the Board’s process is available to members of the public who take issue with any “exemption” granted to the basic child care or adult care standards in the legislation.

The Board’s existence is not predicated on any notion that “first instance” decision-makers systematically abuse their power. Rather, it is predicated on the reality that within any system that deals with such important interests in great volume and in a variety of regional settings, error is inevitable. Such errors might include a decision-maker not following proper procedure or adhering

to the principles of natural justice. Alternatively, they might include factual errors or errors in the consideration of evidence.

In this context, a significant degree of legitimacy and accountability is added by creating a low-cost Board that is capable of holding such decisions accountable in a non-partisan and specialized fashion. Such a specialized forum serves licensees and the public where the decision-maker has erred.

It is also important to emphasize that Board review assists the legitimacy of the first instance decision-maker where the Board upholds its decision. For many appeals which have a high emotional component, a Board decision upholding the decision-maker serves a significant purpose in adding credibility to the first instance process. Further, in each case, the Board gives reasons which are of assistance both in the immediate dispute and to other first instance decision-makers across the Province dealing with similar sets of facts. This purpose applies irrespective of any particular regionalization structure within the Ministry's licensing process.

## *Board Membership*

Throughout the course of this reporting period, the CCALAB membership consisted of:

<i>BOARD MEMBER</i>	<i>ROLE</i>	<i>TERM EXPIRY</i>
Alison Narod	Chair	2023-07-31
Lynn McBride	Vice-Chair	2022-06-30
Susan Beach	Member	Resigned 2022-03-05
Tung Chan	Member	2022-07-31
Richard Margetts, K.C.	Member	2022-07-31
Shelene (Shelly) Christie	Member	2024-06-30
Harry Gray	Member	2024-06-30
Patrick Lewis	Member	2024-06-30
Donald W. Storch	Member	2024-06-30

The Board said goodbye to Susan Beach during the reporting period, as she resigned on March 5, 2022. Ms. Beach was appointed to the Board in March 2019, and the Board thanks for her service over the years.

The Board wishes to thank all of its members for their service over the reporting period. The Board's ability to fairly and efficiently adjudicate sensitive and complex appeals is a direct result of the expertise and commitment of the members that serve on it.

***BIOGRAPHIES FOR THE BOARD MEMBERSHIP DURING THE REPORTING PERIOD ARE AS FOLLOWS:***

***Alison Narod, 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 practises in the areas of labour and employment law, human rights, workers compensation, administrative and family law. Alison is currently a Disciplinary Panel Chair for the Investment Industry Regulatory Organization of Canada, the Chair of the Community Care and Assisted Living Appeal Board, a Director of ACT Autism Community Training Society, and a Member of the Canadian Bar Association (BC Branch).

***Lynn McBride, Vice Chair***

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 years old), preschool, and out of school care.

***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 a director of the Canadian Foundation of Economic Education, a member of the Community Care and Assisted Living Appeal Board, and the past Chair of the Board of the Canadian Museum of Immigration at Pier 21. 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. Mr. Lewis has previously been a member of the Financial Services Tribunal, and in that capacity adjudicated 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.

***Richard S. Margetts, K.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.

***Susan L. Beach***

Susan L. Beach has been litigator in criminal and civil courts for 15 years. She has complex trial and tribunal experience, in particular involving expert testimony. She practiced for 10 years in the area of recovery of wildland fire suppression costs and property and timber loss arising from wildland fires. Ms. Beach is also a qualified mediator. She has taken courses in arbitration offered by the ADR Institute of Canada and in adjudication offered by the BC Administrative Tribunals Association. She has been a member of the Natural Resource Law Subsection of the CBA and has delivered talks to the Administrative Law Subsection of the CBA and at the Annual Meeting of the Forest Appeals Commission and Environmental Appeal Board.

## *Operations*

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Effective December 1, 2004, the administrative support functions of the Board were consolidated with the Environmental Appeal Board/Forest Appeals Commission Appeals Office (the “Appeals Office”) in Victoria. In addition to the CCALAB, the Appeals Office provides administrative support to five other adjudicative tribunals. This clustering of 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<sup>2</sup>; and,
- Oil and Gas Appeal Tribunal.

This move has resulted in significant savings to government through a shared services cluster approach. This arrangement has proven to be an effective and efficient means for providing administrative support to the Board, which in turn enables the Board to effectively and efficiently fulfill its appellate mandate to the public.

Effective April 1, 2017, host Ministry responsibilities for administration of the 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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Community Care and Assisted Living Appeal Board  
PO Box 9425 Stn Prov Govt  
Victoria BC V8W 9V1

***LOCATION:***

4<sup>th</sup> Floor, 747 Fort Street

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<sup>2</sup> This was the name of the tribunal during the current reporting period. It has since been renamed the Skilled Trades BC Appeal Board, as of December 1, 2022.

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## *Appeal Activity and Decisions Issued*

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### **APPEALS FILED**

There were three new appeals filed during this reporting period. There were three appeals which were open from the previous period. Two matters were closed during the reporting period, and four appeals remained outstanding at the end of this reporting period; as noted above, two of these appeals are grouped.

The new appeals filed during the reporting period are described below.

**CCALB-CCA-21-A002 BY A COMMUNITY ORGANIZATION, FILED JUNE 25, 2021** – Appeal of a reconsideration decision of a Medical Health Officer for Northern Health Authority confirming the cancelation of the child care license. The Appellant withdrew its appeal and the matter was dismissed without a hearing.

**CCALB-CCA-21-A003 BY A COMMUNITY ORGANIZATION, FILED JULY 8, 2021** – Appeal of a reconsideration decision of a Medical Health Office for Fraser Health Authority cancelling the child care license and imposing conditions in the interim. The appeal proceeded to an oral hearing and remained active at the end of the reporting period pending a final decision on the merits.

**CCALB-CCA-22-A001 BY AN EARLY CHILDHOOD EDUCATOR, FILED JANUARY 4, 2022** – Appeal of a decision of the Early Childhood Educator Registry suspending the early childhood educator certificate. The appeal remained active at the end of the reporting period.

### **DECISIONS ISSUED**

There was one decision on the merits issued during this reporting period, and the Board also issued two significant<sup>3</sup> preliminary decisions.

### ***PRELIMINARY DECISIONS***

***Safwana Ahmed v. Vancouver Coastal Health Authority, 2019-CCA-003(d)*** (May 19, 2021) - The Appellant appealed the reconsideration decision of a Medical Health Officer (“MHO”) for Vancouver Coastal Health Authority (“VCHA”) to refuse to issue her a family child care license. The Appellant brought an application for document disclosure. The information sought primarily related to the way in which the Respondent dealt with existing licensees and whether it demonstrated that different standards were being applied. The Panel granted the requested order for disclosure but clarified that the ruling did not make any determination of relevance, probative value, or admissibility.

***Ghalia Rebei Adlani (Moonlight Daycare) v. Fraser Health Authority, CCALAB-CCA-21-A003(a)*** (October 21, 2021) - The Appellant appealed the reconsideration decision of a Medical Health Officer (“MHO”) for Fraser Health Authority cancelling her daycare license effective September 15, 2021 and imposing certain conditions in the on the license while still in operation. The Appellant brought an application for temporary suspension under section 29(6) of the *Act* pending the outcome of the appeal. The Chair identified two issues for consideration: first, whether granting a suspension would risk the health or safety of a person in care; and second, whether the suspension should be granted in the particular circumstances of the case. The Chair granted the temporary suspension, subject to the continued imposition of the conditions, noting that the temporary limits and restrictions on the license would seem to provide sufficient protection to persons in care. Significant weight was given to the fact that the hearing on the appeal was scheduled to take place in December 2021. The Chair gave leave to the Respondent to apply to the Board to lift the suspension if circumstances changed.

### ***FINAL DECISION ON THE MERITS***

***Safwana Ahmed v. Vancouver Coastal Health Authority, 2019-CCA-003(e)*** (March 18, 2022) - The Appellant appealed the reconsideration decision of a Medical Health Officer (“MHO”) for Vancouver Coastal Health Authority (“VCHA”) to refuse to issue her a license to operate a child care facility. As directed by the Board in an earlier preliminary decision, the appeal was heard in a hybrid manner with both written and oral components. The Panel decided to allow the appeal on the basis that the reconsideration decision was not justified. In particular, the Panel found that the MHO’s reliance on section 11(2)(a)(iii) of the *Act* – and her conclusion that the Appellant did not

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<sup>3</sup> The Board issues numerous preliminary decisions on simple issues such as extensions of time and uncontested applications for temporary adjournment. The Board only publishes and reports on preliminary decisions which are significant and of precedential value.

have “the personality, ability and temperament” necessary to operate a community care facility – was not justified and that the three instances of “non-compliance” relied upon were not, on their own, sufficient to justify the refusal to issue a license to the Appellant. Pursuant to section 29(12) of the *Act*, the matter was sent back to the MHO for reconsideration with directions.

All decisions can be found here: <https://www.bcccalab.ca/decision/>

### *Matters Outstanding at End of Period*

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There were four appeals outstanding at the end of this reporting period. As noted above, as two of these outstanding appeals are grouped and were heard together during the reporting period, there were really three separate matters outstanding.

### *Judicial Review of CCALAB Decisions*

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

### *Performance Indicators and Timelines*

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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) of the *Community Care and Assisted Living Act* to prove that the decision being appealed was not justified. Hearings are primarily conducted orally and 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.

For the two appeals closed within this reporting period, the time from the date of filing the appeal to its disposition was 119 days for one appeal and 918 days for the other appeal, for an average of 518 days. The hearing of the latter appeal was significantly delayed as a result of the onset of the COVID-19 pandemic in 2020 before proceeding to a hybrid/videoconference hearing in the previous reporting period. In addition, there were four separate preliminary decisions issued on this appeal.

The Board's Practice Directive #1, which is available on the Board's website, provides that the Board will make its best efforts to hear each appeal, orally or in writing, within 120 days of receiving the notice of appeal, noting that this time period may be longer where a party or parties request to adjourn an appeal, or where the appeal is complex and takes multiple hearing days. The Practice Directive also provides that for matters that proceed to hearing, 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, again noting that for more complex appeals this timeline may be longer.

There were three appeals<sup>4</sup> that proceeded to hearing during the reporting period, and the average time between receiving the Notice of Appeal and completion of the hearing was 382 days.

There was one appeal for which a final decision was issued. The time between the close of submissions and the issuance of the final decision was 221 days.

The Board did not meet the targets set out in its Practice Directive with respect to completion of hearings or issuance of a final decisions. This is largely due to the complexity of appeals and length of the hearings (the two oral hearings that took place during the reporting period were set down for eight and nine days respectively and both involved several witnesses), as well as delays in the early days of the pandemic in 2020-2021.

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.

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<sup>4</sup> As noted, two of these appeals were grouped and heard together.

## Statement of Financial Performance

(For the fiscal year ending March 31, 2022)

In fiscal year 2021/2022, the CCALAB incurred expenses of **\$76,181** as detailed below in this six-year chart.

<i>Direct Expenses</i>	<b>2016/2017</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/2020</b>	<b>2020/2021</b>	<b>2021/2022</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Salaries and Benefits	0	0	0	0	0	<b>0</b>
Board Member Fees & Expenses	80,171	14,578	22,123	7,250	18,797	<b>52,822</b>
Professional Services	16,615	0	12,784	0	605	<b>11,859</b>
Office and venue Expenses	4,182	306	3,713	12,395	11,295	<b>11,500</b>
Other	27	0	0	0	0	<b>0</b>
<b>Total Expenses</b>	<b>\$100,995</b>	<b>\$14,884</b>	<b>\$38,620</b>	<b>\$19,645</b>	<b>\$30,697</b>	<b>\$76,181</b>