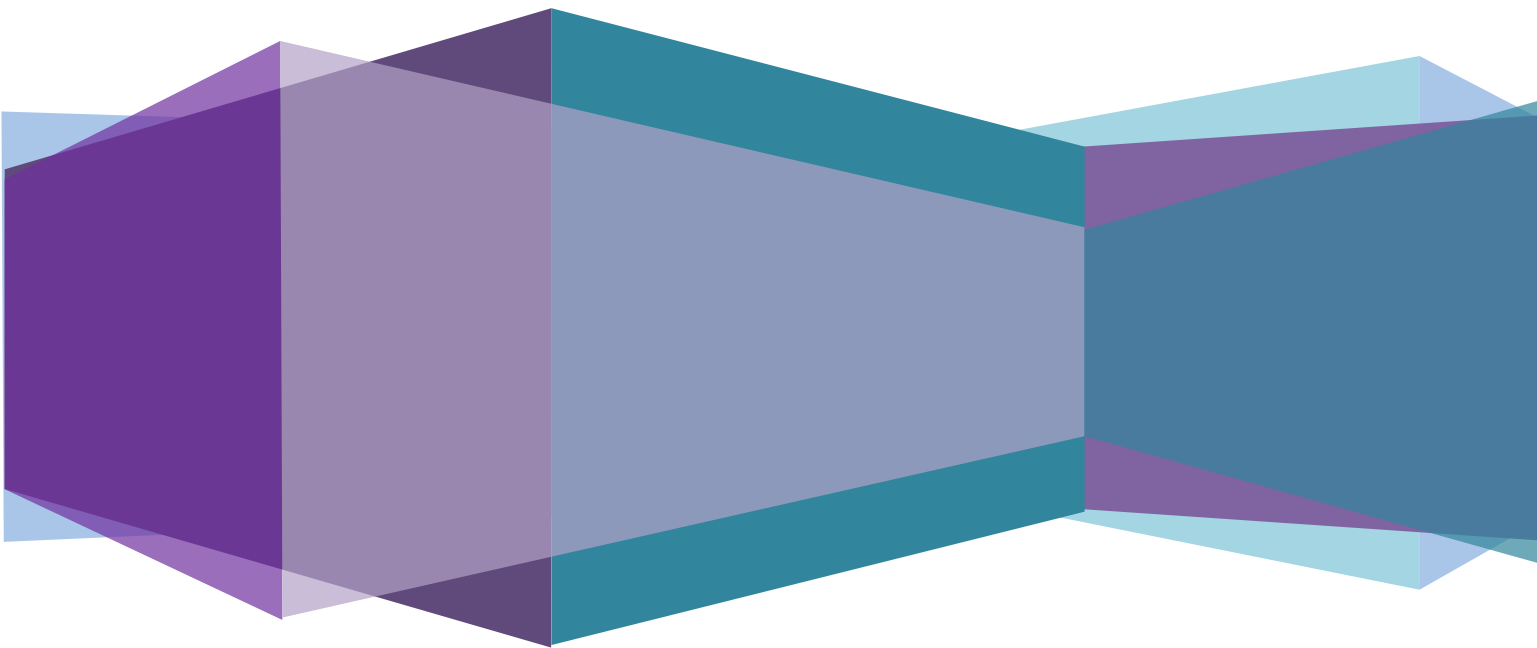




Community Care and Assisted Living Appeal Board

2022-2023 Annual Report

*Covering the reporting period from
April 1, 2022 – March 31, 2023*





Community Care and Assisted Living Appeal Board

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July 31, 2023

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

Dear Attorney General:

Re: Community Care and Assisted Living Appeal Board 2022-2023 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, 2022 and ending March 31, 2023.

Sincerely,

Alison Narod
Chair, Community Care and Assisted Living Appeal Board

Encl.

Message from the Chair

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, 2022 and ending March 31, 2023. 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 one new appeal filed with the Board. There were four active appeals at the commencement of this reporting period, two of which were grouped and heard together.

The sole appeal filed with the Board during the reporting period was disposed of without a hearing. Of the four 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 and one was disposed of without a hearing. The two grouped appeals remained active at the end of the reporting period.

Further details of these appeals, and 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*.

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. While the volume of new appeals was lower than usual for the current reporting period, upcoming changes to the provincial legislation regulating Early Childhood Educators may result in higher appeal volumes in the 2023-2024 reporting period and beyond.

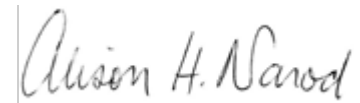
Section 59.2(g) of the *Administrative Tribunals Act* requires the Board to report any trends or special problems it foresees. As identified in the last few reporting cycles, the main trend the Board has noted over the past several years is the increase in the complexity and length of the matters which 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. During the current reporting period, the Board rolled out its new website (www.bcccalab.ca) and updated its rules and practice directives.

Ongoing work will be done to improve the accessibility of the information that is available to the public on the Board's website, and the Board is also developing a Notice of Appeal form that will make it easier for appellants, particularly self-represented appellants, to file appeals and provide the necessary information. The Board will provide an update on these initiatives in its next report.



Alison Narod
Chair, Community Care and Assisted Living Appeal Board

Mandate

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 follows¹:

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.

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,

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

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
Margret (Lynn) McBride	Vice-Chair	2027-06-30
Karen Ameyaw	Member	2025-02-13
Tung Chan	Member	2023-04-12
Shelene (Shelly) Christie	Member	2024-06-30
Harry Gray	Member	2024-06-30
Patrick Lewis	Member	2024-06-30
Richard Margetts, K.C.	Member	2025-07-31
Tajdin (Taj) Mitha	Member	2025-02-13
Cynthia (Cindy) Page	Member	2025-02-13
Donald Storch	Member	2024-06-30

During the reporting period, the Board welcomed three new members – Karen Ameyaw, Tajdin (Taj) Mitha, and Cynthia (Cindy) Page.

The Board welcomes Karen, Taj, and Cindy and thanks 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. Ms. Narod currently practices in the areas of employment law, human rights and administrative law. Ms. Narod is currently the Chair of the Community Care and Assisted Living Appeal Board, the President of ACT Autism Community Training Society, and a Member of the Canadian Bar Association (BC Branch). Ms. Narod was formerly a member of a number of adjudicative tribunals, and the boards of various public and private bodies.

Margret (Lynn) McBride, Vice Chair

Lynn McBride is a Supervisor and Planning and Policy Analyst in the Strategic Planning and Policy department at Legal Aid British Columbia (LABC). Previously, Ms. McBride held numerous other positions with the Legal Services Society, such as: Supervisor of Indigenous Services and Community Engagement Coordinator. Active in her community, she is Vice Chair at Community Care and Assisted Living Appeal Board and previous to that sat on the Board of Directors for the Early Childhood Educators of BC (ECEBC). Ms. McBride holds a Bachelor of Arts in Linguistics and a Bachelor of Laws from the University of British Columbia and a Certificate in Early Childhood Care and Education from Capilano College.

Karen Ameyaw

Karen Ameyaw is a Lawyer and Centralized Disclosures Manager for WorkSafeBC. Previously, Ms. Ameyaw was an Associate Lawyer at Twining, Short and Haakonson Barristers. Active in her community, she is a Member of the City of Vancouver Black History Month Opening Ceremony Planning Committee and previously she was a Council Member on the Real Estate Council of British Columbia. Ms. Ameyaw is the recipient of several academic awards as well as a Humanitarian Award and was the recipient of the McCarthy Tétrault Leadership Award. She holds a Bachelor of Arts degree in Criminology from Simon Fraser University and a Bachelor Laws from the University of Victoria.

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. Mr. Chan 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. His 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, Mr. Chan 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. Mr. Chan 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, Mr. Chan was awarded the Queen's Jubilee Medal in recognition of his contribution to the community. In 2014, he was invested into the Order of BC.

Shelene (Shelly) Christie

Shelly Christie is a retired Child Care Licensing Officer and Early Childhood Educator. She has worked in the field of early childhood education for over 34 years in a variety of settings including pre-school, daycare, family resource programs and Child Care Resource and Referral. Ms. Christie worked as a Licensing Officer with Vancouver Coastal Health Authority and the Fraser Health Authority. Prior to that, Ms. Christie was an Instructor in the Early Childhood Education at Langley College and Pacific Rim Early Childhood Education Institute. Ms. Christie is active in her community with Victoria Grandmothers for Africa. She has been active in her community sitting on the board of directors for non-profit daycares and was instrumental in establishing on site childcare programs at the University of the Fraser Valley and Kwantlen Polytechnic University. Ms. Christie holds a Bachelor of Child and Youth Care from the University of Victoria and an Early Childhood Education certificate from Douglas College.

Harry Gray

Harry Gray has over 40 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. Mr. Gray is the Executive Director of the Resident Doctors of BC. He was previously the Associate Vice President of Administration at Kwantlen Polytechnic University. Prior to that he was the Director Consulting Services with the Health Employers Association of BC, worked with the Vancouver Coastal Health Authority and was the Regional Director, Human Resources for the North Shore Health Region. Mr. Gray holds a Master of Industrial Relations from Queen's University and a Bachelor of Commerce, (Finance & HR) from the University of British Columbia.

Patrick Lewis

Patrick Lewis is a Partner at the boutique litigation firm, Sugden, McFee & Roos LLP. 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. He is actively involved in his community as a member of the B.C. Branch of the Canadian Bar Association, Civil Litigation Subsection, a member of the Trial Lawyers Association of British Columbia, a guest lecturer for the Continuing Legal Education Society of British Columbia and the Moot Court Judge at the U.B.C. Law School. Mr. Lewis was admitted as a barrister and solicitor to the Bar of the Province of British Columbia on June 14, 1985. He holds a Bachelor of Laws from the University of British Columbia.

Richard S. Margetts, K.C.

Richard Margetts is Associate Counsel with Johns Southward and Co. He is a Life Bencher and past President of the Law Society of British Columbia. Mr. Margetts has been active in his community as a former chair on many Law Society Committees, Past President of CanLII, past Chair of the British Columbia Justice Review Task Force and the past Secretary of the YM/YWCA (Victoria). Previously Mr. Margetts was a Governor for Camosun College and a Bencher and President of the Law Society. He holds a Bachelor of Laws from the University of British Columbia and a Bachelor of Arts (Honours) from Monash University in Melbourne, Australia.

Tajdin (Taj) Mitha

Taj Mitha is a self-employed Barrister at Law. Mr. Mitha has over 30 years experience of working in developing countries in the fields of industrial development, microfinance banking, tourism, education and social development through private enterprises, privatizations, public private partnerships (PPP)

and not-for-profit organizations. Active in his community, he was Chair of the British Columbia Institute of Technology, a Panel Chair of the Employment Assistance Appeals Tribunal and Member of the Property Assessment Review Panel. Mr. Mitha also was a Director for Sunnybrook Hospital and Health Sciences Centre and a Public Interest Member of the Council of the Association of Engineers and Geoscientists of British Columbia. He holds a Bachelor of Laws from the University of Western Ontario.

Cynthia (Cindy) Page

Cindy Page is a Program Chair and an Instructor at Northern Lights College in the Early Childhood Education program. Previously, Ms. Page was an Instructor of Early Childhood Education at Vancouver Island University. Active in her community, she is a Board member of the Early Childhood Educators of BC and sits on the Learning Outside Together Steering Committee. Ms. Page was the recipient of the Gayle Davies, as well as the Founders Award and Chancellor's Award from Royal Roads University. She holds a Master of Arts degree in Learning and Technology from Royal Roads University and a Diploma in Child and Youth Care from Vancouver Island University. In addition, Ms. Page also holds certificates in Early Childhood Education from Northern Lights College, a certificate in Family Child Care from Vancouver Island University and a certificate in Long Term Care (Residential Care) Aide from Vancouver Island University.

Donald Storch

Donald Storch has over 40 years experience in counselling and employment. He had his own practice in Victoria until 2016. Prior to that he was a counsellor and manager for South Vancouver Island Counselling and Assessment Service, a counsellor and manager for Kelly Lutter & Associates in Calgary and the Vice President of the Catholic Social Services in Edmonton. Mr. Storch received an Order of Canada for his extensive volunteer activities in 2008. These activities included Chair for the Victorian Order of Nurses of Canada, the Good Samaritan Society of Canada, the Alberta Association of Children and Families, and Our Place. Mr. Storch has also been a peer reviewer for the North American Council of Accreditation for Children and Families conducting visits in the USA and Canada. He holds a Masters of Social Work from McGill University and a Bachelor of Arts, Sociology from the University of Alberta.

Operations

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;
- Skilled Trades BC Appeal Board²; 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.

Although budgetary restrictions have periodically challenged the Board's ability to carry out its adjudicative operations and goals, the Board has managed well this past fiscal year primarily due to the after-effects of Covid on scheduling and the Board's unusually low adjudicative load.

Contact Information

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FAX:	250 356-9923
EMAIL:	info@bcccalab.ca
WEBSITE:	www.bcccalab.ca

² Formerly the Industry Training Appeal Board and renamed as of December 1, 2022.

Appeal Activity and Decisions Issued

APPEALS FILED

There was one new appeal filed during this reporting period. There were four appeals which were open from the previous period, two of which were grouped. Three matters were closed during the reporting period, and the two grouped appeals remained outstanding at the end of this reporting period.

The new appeal filed during the reporting period was:

CCALB-CCA-22-A002 BY A COMMUNITY ORGANIZATION, FILED JULY 7, 2022 – Appeal of a finding of contravention summarized in a Fraser Health Authority Complaint Investigation. After the Appellant was asked to clarify how the matter at issue fell under the Board’s jurisdiction under sections 29(2) and (3) of the *Act*, the appeal was rejected for lack of jurisdiction and the file was closed.

DECISIONS ISSUED

There was one decision on the merits issued during this reporting period, and the Board also issued two significant³ preliminary decisions. All of these decisions related to the same appeal:

CCALAB-CCA-21-A003 GHALIA REBEI ADLANI (MOONLIGHT DAYCARE) V. FRASER HEALTH AUTHORITY

Background

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 in operation.

In the previous reporting period, the Appellant brought an application for temporary suspension under section 29(6) of the *Act* pending the outcome of the appeal. In Decision **CCALAB-CCA-21-A003(a)**, the Board 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.

³ 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.

Decisions

- **CCALAB-CCA-21-A003(b)** (May 2, 2022) - On the final day of the appeal hearing, on April 13, 2022, the Respondent asked the Panel to consider lifting the temporary suspension based on the evidence heard over the course of the multi-day hearing, in particular an inspection report that the Respondent argued showed that the Appellant was operating in contravention of terms placed on her license and that there were immediate concerns about the safety of the children in care. The Panel decided to lift the suspension effective May 31, 2022, noting that the Board Chair's decision to suspend the decision relied on the license conditions to protect the health and safety of children in care, and that there was evidence that these conditions were not being followed by the Appellant. Accordingly, the conditions were no longer adequate to protect the safety of the children. The Panel was also concerned about the length of time the suspension had been in place and would remain in place pending the final decision on the merits.
- **CCALAB-CCA-21-A003(c)** (May 30, 2022) – The Appellant applied for reconsideration of the May 2, 2022 decision to lift the temporary suspension. The application was based primarily on the Appellant's position that it was unfair and inappropriate for the Panel to make the decision it did before it had come to a determination on the merits. The Panel denied the application, noting that the evidence relied upon had been fully canvassed by the parties during the hearing.
- **CCALAB-CCA-21-A003(d)** (February 7, 2023) – In the final decision, the Panel dismissed the appeal on the basis that the Appellant had failed to demonstrate that the decision to cancel her license was not justified. Assessing the credibility of the witnesses, the Panel found that the Appellant's evidence was not given in a forthright manner and was not consistent or reliable when viewed in the context of other independent evidence. On the other hand, the evidence of the Respondent witnesses was found to be forthright and consistent with the independent evidence. While noting that the appeal lacked focus, the Panel reviewed several of the Appellant's complaints, finding in each case that the Appellant had failed to demonstrate that the MHO's decision was not justified. The Panel also addressed allegations of procedural unfairness, finding that there was no procedural unfairness in the decision-making process, but noting that, in any event, the Board's process was able to cure any defects that may have existed. Ultimately, after reviewing all of the circumstances, the Panel found that there was compelling evidence of contraventions and that nothing in the MHO's decision or the process leading up to it rendered the decision unjustified.

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

Matters Outstanding at End of Period

There were two grouped appeals outstanding at the end of this reporting period.⁴

Judicial Review of CCALAB Decisions

There were no applications for judicial review of CCALAB decisions filed in this reporting period⁵, and there were no judicial review decisions issued by the BC Supreme Court.

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) of the *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 three appeals closed within this reporting period, the time from the date of filing the appeal to its disposition averaged 285 days.

The Board’s Practice Directive #1, 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

⁴ These matters were closed through a final decision shortly after the close of the reporting period, and this decision will be reported on in the next annual report.

⁵ A judicial review petition was filed regarding decision CCALAB-CCA-21-A003(d) shortly after the close of the reporting period and will be reported on in the next annual report.

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 was one appeal hearing during the reporting period, which was a continuation of a hearing that began in December 2021. Additional dates were added in February and April 2022 in order to hear the evidence tendered by the parties. As a result of the need to add additional dates, the total time between receiving the Notice of Appeal and completion of the hearing was 280 days. For the same appeal, for which a final decision was issued during the reporting period, the time between the close of submissions and issuance of the final decision was 300 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 effects of Covid on scheduling the dates of hearing, the availability of witnesses and the length and complexity of the appeal hearing discussed above. This continues the trend towards increased complexity and length of the matters that come before the Board noted earlier in this report, and in recent annual reports.

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 ending March 31, 2023)

In fiscal year 2022/2023, the CCALAB incurred expenses of **\$36,647** as detailed below in this six-year chart.

<i>Direct Expenses</i>	2017/2018 \$	2018/2019 \$	2019/2020 \$	2020/2021 \$	2021/2022 \$	2022/2023 \$
Salaries and Benefits	0	0	0	0	0	0
Board Member Fees & Expenses	14,578	22,123	7,250	18,797	52,822	15,096
Professional Services	0	12,784	0	605	11,859	7,698

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Office and venue Expenses	306	3,713	12,395	11,295	11,500	13,853
Other	0	0	0	0	0	0
Total Expenses	\$14,884	\$38,620	\$19,645	\$30,697	\$76,181	\$36,647