

Community Care and Assisted Living Appeal Board

2024-2025 Annual Report



For the period
April 1, 2024 – March 31, 2025



**Community Care and
Assisted Living Appeal Board**



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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, 2024 and ending March 31, 2025. This report is submitted pursuant to section 59.2 of the *Administrative Tribunals Act*.

Appeal Activity

At the beginning of the reporting period there was one appeal before the Board. This appeal was dismissed after the appellant withdrew. During the current reporting period, three new appeals were filed with the Board. Of the three new appeals, all were dismissed after the appellants withdrew. At the conclusion of the reporting period there were no open appeals before the Board. Further details of these appeals, and decisions which the Board issued in relation to them, are provided later in this report.

Forecast of Workload for the Next Reporting Year

Based on historical averages, the Board expects to receive three to five appeals each year and that pace continued this year with the Board considering a total of four appeals. All of the appeals before the Board have been closed and so we expect a quieter start to the next reporting year.

In 2021 the BC Government passed the *Early Childhood Educators Act*, SBC 2021, c 25 but has not yet brought it into force. If this Act is brought into force in the next reporting period, it may result in higher appeal volumes.

Trends Noted

The main trend the Board has noted over the last several years is the increase in the complexity and length of the matters which come before it. 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.

In the past few years, the Board has had a mix of appeals by assisted living residences and community care facilities. In contrast, all the appeals before the Board during this reporting



period were filed by assisted living residences. Whether this trend will continue remains to be seen.

Based on historical averages, the Board expects that around half of all new appeals filed will involve a self-represented appellant. That trend has continued; two of the three new appeals filed during this reporting period involved self-represented appellants. Self-represented appellants may have significant experience providing adult care and childcare services but are unfamiliar with the legalistic process of appearing before a quasi-judicial appeal tribunal.

Plans For Improving the Board's Operations

During the current reporting period, the Board updated all 11 information sheets available to the public on its website. These information sheets explain specific stages of an appeal and are written at a level intended for unrepresented appellants to understand. Because the Board cannot provide advice to anyone, these information sheets are critical to guiding unrepresented appellants through the appeal process.

The Board has also redrafted its Practice Directive #1, and expects to formally approve and publish it early in the next reporting period. Practice Directive #1 is intended to provide the public with an estimate of the amount of time it usually takes for the Board to hear their appeal, and the amount of time it usually takes for a final decision to be published after the conclusion of the hearing. The changes being proposed are intended to provide more relevant and actionable timing information to the public.

The Board is monitoring the impact of the updates made in the last reporting period to its Notice of Appeal form and its new Participants Code of Conduct, with the goal of ensuring that its processes continue to be cost-effective, relevant, efficient, and accessible to British Columbians.

Lynn McBride, Chair
Community Care and Assisted Living Appeal Board



INTRODUCTION TO THE CCALAB

The CCALAB is an administrative tribunal that hears appeals under section 29 of the *Community Care and Assisted Living Act*, SBC 2002, c 75 (the “Act”). Decisions made under the Act must balance the need to ensure minimum standards of health and safety for those cared for in facilities and the need to ensure fair process for operators and educators.

Mandate

The CCALAB’s 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*¹ describes the Act and its purpose:

The [Act] 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. [The Act] also applies to children in licensed child day care facilities and children and youth in group homes.

¹ 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. 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, and 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 BC Supreme Court in *Wilkins v. British Columbia*

(*Attorney General*), [1985] B.C.J. No. 1312 (BCSC), a case dealing with childcare facilities.



The Board’s existence is predicated on the view that an appeal board is a necessary 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 childcare 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 can hold 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 British Columbia dealing with similar sets of facts. This purpose applies irrespective of any particular regionalization structure within the Ministry’s licensing process.





Typical Appeal Process

Information about the appeal process is available on the Board's website under the "How to Appeal" tab. An extensive collection of information sheets on specific topics has also been published there.





Operations

Section 59.2(a) of the *Administrative Tribunals Act* requires the Board to provide a review of the Board's operations during the reporting period.

The administrative support functions of the Board are consolidated with the Environmental Appeal Board cluster of tribunals (the "EAB cluster") in Victoria.

In addition to the CCALAB, the EAB cluster provides administrative support to six other quasi-judicial administrative tribunals. This clustering of administrative support for eight independent appellate tribunals has been done to achieve economic and program delivery efficiencies by allowing greater access to resources while, at the same time, reducing administration and operating costs.

In addition to the CCALAB and the Environmental Appeal Board, the other clustered tribunals are:

- Energy Resource Appeal Tribunal;²
- Financial Services Tribunal;
- Forest Appeals Commission;
- Health Professions Review Board;
- Hospital Appeal Board; and
- Skilled Trades BC Appeal Board.

This clustering has resulted in significant savings to government through a shared services 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.

² Formerly the Oil and Gas Appeal Tribunal and renamed as of September 1, 2023.



BOARD MEMBERSHIP

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

Board Member	Role	Term Expiry
Margret (Lynn) McBride	Chair	2026-07-31
Stephen (Steve) Perks	Vice Chair	2026-06-17
Karen Ameyaw	Member	2030-02-13
Shelene (Shelly) Christie	Member	2029-06-30
Harry Gray	Member	2029-06-30
Patrick Lewis	Member	2024-06-30
Richard Margetts, K.C.	Member	2025-07-31
Tajdin (Taj) Mitha	Member	2030-02-13
Cynthia (Cindy) Page	Member	2030-02-13
Donald Storch	Member	2024-06-30

Section 29 of the *Act* provides that a Chair and other members are to be appointed to the Board by the Lieutenant Governor in Council after a merit-based process.

The Board thanks all its members for their service during the reporting period. The Board's ability to adjudicate sensitive and complex appeals fairly and efficiently is a direct result of the expertise and commitment of these members' service.

Biographies of members are provided in **Appendix 1** to this report.



APPEAL ACTIVITY

Section 59.2(c) of the *Administrative Tribunals Act* requires the Board to report on the nature and number of appeals received during the reporting period.

Carried Over Appeals

At the beginning of the reporting period there was one appeal outstanding before the Board:

- ***CCALB-CCA-23-A001, Filed August 28, 2023, by an assisted living residence (supportive recovery class)*** – Appeal of a decision of the Assisted Living Registrar to impose conditions on the registration of an assisted living residence. This residence was registered in the supportive recovery class, for adults receiving assisted living services due primarily to substance use. The appeal was held in abeyance for several months pending discussions between the parties, and an oral hearing was scheduled for September 2024. In July 2024 the appellant withdrew, and the Board dismissed the appeal.

New Appeals Filed

During the reporting period, three new appeals were filed. A summary of each appeal and its status at the end of the reporting period is provided below.

- ***CCALB-CCA-24-A001, Filed July 24, 2024 by an assisted living residence (seniors and persons with disabilities class)*** – Appeal of a decision by the Assisted Living Registrar to cancel the registration of an assisted living residence. This residence was registered in the seniors and persons with disabilities class, for adults receiving assisted living services due primarily to chronic or progressive conditions linked to the aging process or a disability. Following receipt of the appeal record and an appeal management teleconference, the appellant withdrew in October 2024 and the Board dismissed the appeal.
- ***CCALB-CCA-24-A002, Filed August 9, 2024 by an assisted living residence (supportive recovery class)*** – Appeal of a decision by the Assisted Living Registrar to cancel the registration of an assisted living residence. This residence was registered in the supportive recovery class, for adults receiving assisted living services due primarily to substance use. Following an appeal management teleconference, the appellant withdrew in October 2024 and the Board dismissed the appeal.



- **CCALB-CCA-24-A003, Filed October 10, 2024 by an assisted living residence (supportive recovery class)** – Appeal of a decision by the Assisted Living Registrar to cancel the registration of an assisted living residence. This residence was registered in the supportive recovery class, for adults receiving assisted living services due primarily to substance use. A 2-week oral hearing was scheduled for May 2025. In February 2025 the appellant withdrew, and the Board dismissed the appeal.

Decisions Issued

The Board was not called on to hold any hearings or issue any final decisions during this reporting period. One significant preliminary decision was issued on an application for a stay pending the outcome of an appeal: **John Volken Academy v Ross Hayward, Assisted Living Registrar, 2025 BCCCALAB 1**. Subsequently, the appellant in this matter withdrew their appeal and the hearing on the merits of the appeal was therefore cancelled.

A summary of this decision is provided in **Appendix 2** to this report.

CCALAB decisions can be found on the Board's website (<https://www.bcccalab.ca/decision>), and on CanLII (<https://www.canlii.org/en/bc/bcccalab>).

Appeals Outstanding

There were no appeals outstanding at the conclusion of the reporting period.

Judicial Reviews of CCALAB Decisions

No new petitions for judicial review of any CCALAB decisions were filed during the current reporting period.

In the prior reporting period, one petition for judicial review of a CCALAB decision was filed in the BC Supreme Court. This was the first petition for a judicial review of a CCALAB decision in twenty years. The litigation related to this judicial review continued into the current reporting period and is summarized below.

The petition for judicial review related to a CCALAB decision from a prior reporting period: *Ghalia Rebei Adlani (Moonlight Daycare) v. Dr. Emily Newhouse, Medical Health Officer, Fraser Health Authority*, 2023 BCCCALAB 1. The petition was filed on April 11, 2023, in the BC Supreme Court (file no. S232798). After a three-day hearing, the court dismissed the petition in a decision on



January 17, 2024: *Adlani v. Medical Health Officer (Fraser Health Authority)*, 2024 BCSC 84. The appellant subsequently filed a Notice of Appeal in the BC Court of Appeal (file no. CA49672) against the order of the BC Supreme Court. On January 24, 2025, the BC Court of Appeal heard the appeal and made an oral ruling from the bench dismissing the appeal. Written reasons were later published as *Adlani v. Fraser Health Authority (Medical Health Officer)*, 2025 BCCA 29.

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 elapsed time from filing to the date of final decision.

The CCALAB appeal process has been designed to be a timely, efficient, accessible, and cost-effective for British Columbians.

All three new appeals that were filed during the current reporting period received a substantive acknowledgement and response from the Board on the same day they were received, or the next business day.

During the current reporting period the Board was not called on to hold any hearings on the merits of an appeal, or issue any final decisions, and so there is no specific information to report in this category. The Board did issue one significant preliminary decision on an application for a stay. The hearing for this application proceeded by way of written submissions, rather than an oral hearing. The written submissions concluded on December 13, 2024, and the Board's 14-page decision was issued 20 calendar days later, on January 2, 2025. This decision is available online as *John Volken Academy v Ross Hayward, Assisted Living Registrar*, 2025 BCCCALAB 1.

Looking more generally at appeal timelines, it is helpful to understand the CCALAB appeal process and context. The Board is fortunate to have capacity and availability to proceed to a hearing at the earliest opportunity allowed for by the parties' schedules. When setting appeals down for hearing, it is the Board's practice to ask the parties about their earliest availability to exchange required documents and arguments and their earliest availability to proceed to a hearing; and then to schedule the hearing on that basis.

Appeals are a full rehearing of the matter akin to a hearing *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 with a three-person panel; however, where circumstances are appropriate, hearings may also be heard in writing before a



single panel member. The Board generally designates a lawyer to act as panel chair, with other panelists having adult care or childcare or administrative experience to ensure the appropriate expertise to deal with the various issues arising. Where appropriate, the Board explores with the parties the possibility of mediation or some other form of collaborative resolution.

SURVEYS

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



PUBLIC INTEREST DISCLOSURE ACT

The *Public Interest Disclosure Act* ("PIDA") provides employees of some public bodies with protection from reprisal if they bring forward concerns about specific kinds of serious wrongdoing (i.e. whistleblower protection). The Board is one of the government bodies subject to PIDA.

Section 38 of PIDA requires the Board to report the number of disclosures of wrongdoing we receive and the results of any investigations we undertake each year. During this reporting period the Board did not receive any PIDA disclosures. The Board is unaware of any reports in which it is alleged or its staff or members (past or present) are alleged to have committed any wrongdoing.



FINANCIAL STATEMENT

In fiscal year 2024/2025 (ending March 31, 2025), the CCALAB incurred expenses of \$52,221 as detailed in the four-year comparative chart below.

EXPENSES	2021/2022 (\$)	2022/2023 (\$)	2023/2024 (\$)	2024/2025 (\$)
Salaries and Benefits	0	0	0	0
Board Member Fees & Expenses	52,822	15,096	13,468	24,059
Professional Services	11,859	7,698	21,026	17,537
Office and Venue Expenses	11,500	13,853	13,130	10,625
Total CCALAB Expenses	\$76,181	\$36,647	\$47,624	\$52,221

- **Salaries and Benefits** encompass the full-time staff who support the Board. This number is zero because the Board's staff are shared with a cluster of other tribunals who bear that cost instead.
- **Board Member Fees and Expenses** reflects the remuneration and expenses for the Chair and appointed members of the Board. The Chair and members are appointed on an as-and-when needed basis and are paid a per diem for the time they work in accordance with [Treasury Board Directive 1/24](#) and the BC Ministry of Attorney General's [Tribunal Performance Framework and Remuneration Plan](#). Members are also reimbursed for any authorized expenses according to those same policies. Outside of hearings and decision writing, remuneration may be incurred for time spent on case management, engaging in approved professional development, attending the Board's annual general meeting, improving the Board's processes and operations, and engaging with routine administrative and operational matters and meetings as required. Pursuant to section 8.5.3 of Treasury Board Directive 1/24, the Board publishes actual remuneration and reimbursement information on its website at: www.bcccalab.ca/home/annual-reports.



- **Professional Services** reflects the cost of retaining outside legal counsel to represent the Board in judicial review proceedings, to provide professional development to members at the Board's annual general meeting, and to provide legal advice on operational or case management matters throughout the year. Outside legal counsel are drawn from a prequalified list provided by the BC Ministry of Attorney General and are paid standard government rates. This category also encompasses outside professional services such as court recorders in the event of an oral hearing.
- **Office and Venue Expenses** reflects the direct costs incurred by the Board when it meets in-person for a hearing or an annual general meeting, routine office expenses at its registry, and any registration fees for professional development, such as training opportunities offered by the BC Council of Administrative Tribunals or the Council of Canadian Administrative Tribunals. This line also reflects the cost of the Board's IT infrastructure, including its website, case management system, and standard office software applications.



APPENDIX 1: BIOGRAPHIES OF BOARD MEMBERS

Margret (Lynn) McBride, Chair

Lynn McBride is a graduate of the University of British Columbia Faculty of Law (LL.B.) and Faculty of Arts (B.A.). She also holds a Certificate in Early Childhood Care and Education (ECCE) from Capilano College. Ms. McBride practiced law for 12 years, where she gained extensive litigation, research and writing experience. In the ECCE field, she worked in daycare, preschool, and out of school care settings, and as a Child Care Advisor for the BC Aboriginal Child Care Society. Ms. McBride also worked at Legal Aid BC for over 12 years in various roles including community engagement and strategic planning. Active in her community, she has been a member of the Community Care and Assisted Living Appeal Board since 2012, and has also been a member of the Board of Directors for the Early Childhood Educators of BC and other non-profit organizations.

Steve Perks, Vice Chair

Mr. Perks is a retired lawyer and law professor at the University of Victoria law school. Mr. Perks has previously served as a part-time member of the BC Human Rights Tribunal. He is also a qualified mediator, designated an Associate Mediator by Mediate BC.

During his 28-year career at the University of Victoria, Mr. Perks held various positions within the Faculty of Law, including teaching administrative law, civil procedure, and social welfare law. Notably, from 2019 to 2023 he was the Director of the University's Law Centre Clinical Program, which is a highly regarded full-time experiential learning course for law students who are assigned real clients to represent.

Involved in his community, Mr. Perks has provided legal supervision for law co-op students at the Vancouver Island Human Rights Coalition, has been a member of the University of Victoria Educational Equity Advisory Committee, and has served as a board member of a number of organizations, including the Victoria Bar Association, Together Against Poverty Society, the Association for Canadian Clinical Legal Education, Bays United Youth Soccer, the Oak Bay Tennis Club, and the South Island Tennis Association.



Karen Ameyaw, Member

Karen Ameyaw is a practising lawyer with over 14 years of experience and currently is a Senior Prevention Advisor at the Workers' Compensation Board of BC (WorkSafeBC). Karen also works part-time as an adjudicator for the Law Society of British Columbia Tribunal, Community Care and Assisted Living Appeal Board and Property Assessment Appeal Board. Karen holds a BA (Criminology) from Simon Fraser University and a LL.B from the University of Victoria. In 2010, as an articling student, she helped establish the BC chapter of the Canadian Association of Black Lawyers. In addition to her professional roles, Karen is actively involved in her community and sits on the board of governors for the Law Foundation of BC.

Shelene (Shelly) Christie, Member

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, Member

Harry Gray has over 40 years of experience in the health care and post-secondary industries and has worked in a variety of senior administrative roles, advising employers in sectors including Community Care, Assisted Living, Long Term Care and Acute Care and post-secondary. Mr. Gray recently retired from the role of 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 (member term expired June 30, 2024)

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., Member

Richard Margetts is a retired lawyer having practiced during his career with Johns Southward and Co. in Victoria. He is a Life Bencher (Director) and past President of the Law Society of British Columbia. Mr. Margetts has been active in his community as chair of 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). Mr. Margetts was a past Governor of Camosun College. He holds a Bachelor of Laws from the University of British Columbia and a Bachelor of Arts (Honours) from Monash University in Melbourne, Australia. He has been a member of the CCALAB since 2010.

Tajdin (Taj) Mitha, Member

Taj Mitha is a self-employed Barrister at Law (Lincoln's Inn, England), currently working as an adjudicator. Mr. Mitha has over 40 years' experience of working in developing countries in the fields of industrial development, microfinance banking, tourism, education, healthcare and social development through private enterprises, public private partnerships (PPP), and not-for-profit organizations. Active in his community, he has served as the Chair of the Board of Governors of the British Columbia Institute of Technology, a panel chair of the Employment and Assistance Appeal Tribunal, a member of the Property Assessment Review Panel, and a member of the Health Care Practitioners Special Committee for Audit Hearings. Mr. Mitha has also served as a Director for Sunnybrook Hospital and Health Sciences Centre in Toronto 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 and has completed the World Bank Group Executive Development Program at The Harvard Business School in the USA and a diplomatic training programme jointly conducted by the Foreign & Commonwealth Office of the United Kingdom, The British Council, and The University of Birmingham.

Cynthia (Cindy) Page, Member

Cindy Page is an Instructor at Northern Lights College (NLC) in the Early Childhood Education program. Previously, Ms. Page was a Program Chair at NLC and an Instructor of Early Childhood Education at Vancouver Island University (VIU). Ms. Page has also worked as a Licensing Officer responsible for child care (primary) and residential care settings for the Vancouver Island Health Authority. Active in her profession, she is a Board member of the Early Childhood Educators of BC (ECEBC) and was on the Learning Outside Together Steering Committee. Ms. Page was the recipient of ECEBC's Gayle Davies Award, as well as the Founder's and Chancellor's Awards 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 NLC, a certificate in Family Child Care from VIU and a certificate in Long Term Care (Residential Care) Aide, also from VIU. She has experience in direct child care: Family and Group, as an owner/operator.

Donald Storch (member term expired June 30, 2024)

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.



APPENDIX 2: DECISION SUMMARIES

In the current reporting period the Board issued one significant preliminary decision on an application for a stay pending the outcome of an appeal: ***John Volken Academy v Ross Hayward, Assisted Living Registrar, 2025 BCCCALAB 1***. Subsequently, the appellant in this matter withdrew their appeal and the hearing on the merits of the appeal was therefore cancelled.

John Volken Academy v Ross Hayward, Assisted Living Registrar, 2025 BCCCALAB 1

Background

In June 2022, the Respondent, the Assisted Living Registrar (the “Registrar”), attached conditions to the Appellant’s registration as an assisted living residence due to ongoing concerns about the Appellant’s policies and practices.

In June 2024, after investigating, and issuing multiple letters advising the Appellant of the conditions, the Respondent determined that the Appellant continued to breach the conditions.

On July 11, 2024, the Respondent issued a decision letter giving the Appellant notice of his decision to cancel the Appellant’s registration as an assisted living residence effective August 31, 2024 given that the Appellant had: not complied with the *Act* and *Regulation*; not complied with the conditions on its registration; and been the subject of further complaints received by the Assisted Living Registry. That decision was confirmed on reconsideration by the Registrar.

The Appellant appealed to the Board and applied for a stay of the reconsideration decision pending the outcome of its appeal and an interim stay pending the outcome of that decision. After exchanging submissions, the parties agreed to an interim stay, which was extended by the Board until January 8, 2025 and subject to certain conditions.

Decision

The Board reviewed its jurisdiction under section 24 of the *Administrative Tribunals Act*, SBC 2004, c 45, and section 29 of the *Act* with respect to granting a stay pending the outcome of an appeal.

Given the onus on the Appellant to satisfy the Board “on summary application” that a stay would “not risk the health and safety of a person in care”, the Board noted that it was not to conduct a



full review of the merits, and if a determination could not be made without conducting a full review, a stay could not be granted because the evidence was not sufficiently clear to warrant a stay.

The Board determined that there were no current residents who required “care” within the meaning of the *Act*. The Board therefore concluded that there was no evidentiary basis before it to find that a stay would “risk the health or safety of a person in care”.

However, the Board next considered whether a stay should be granted in the circumstances of the case. The Board held that due to apparent conflicts in the parties’ positions and the evidence submitted on this application, it was unable to determine without hearing the merits of the appeal whether a stay pending the outcome of the appeal would or would not risk the health or safety of the current residents of the Appellant. It dismissed the Appellant’s application for a stay of the Reconsideration Decision.

The Board stated that it was concerned that contrary to the conditions on the interim stay order, the Appellant had not taken steps to locate alternate safe accommodations for the remaining residents. As such, it exercised its discretion to extend the interim stay order until 5:00 p.m. on Friday, March 7, 2025 with a new list of conditions.