

**Interior Health Authority
Child Care – Unlawful – Licensing
Summary Report of Substantiated Complaint**

<p>Facility Name Katalina Cotton</p> <p>Facility Address 102-156 Wyles Crescent Penticton BC V2A 8M3</p>	<p>Facility # F-2024-53678</p> <p>Facility Phone (250) 540-7497</p> <p>Licensee Manager</p>
<p>Inspection Date 13-Sep-2024</p>	
<p>Reason for Investigation Substantiated complaint</p>	
<p align="center">Service Type</p>	<p align="center">Maximum Capacity</p>

Report of Findings

As per Section 15 (1)(b)(i) of the Community Care and Assisted Living Act, Licensing is mandated to follow up on all complaints of any premise that is operating an unlicensed community care facility.

The purpose of this unannounced inspection is to follow up on a complaint received by Licensing on September 10, 2024.

The complaint involved allegations of non-compliance to the following sections of the Community Care and Assisted Living Act:

Section 1: Definitions - "community care facility" means a premises or part of a premises in which a person provides care to 3 or more persons who are not related by blood or marriage to the person and includes any other premises or part of a premises that, in the opinion of the medical health officer, is used in conjunction with the community care facility for the purpose of providing care;

Section 5: Operating or advertising without a licence - A person who does not hold a licence must not (a) operate, or hold themselves out as operating, a community care facility, (b) provide, or hold themselves out as providing, care in a community care facility, or (c) accommodate, or hold themselves out as accommodating, a person who, in the opinion of a medical health officer, requires care in a community care facility.

Based on the investigating Licensing Officer's observations and information provided by the operator who was present at the time of inspection, the Licensing Officer determined that a contravention to Section 5 of the Community Care and Assisted Living Act has occurred at #102-156 Wyles Crescent in Penticton, BC.

Contravention to Section 5 may be subject to actions as outlined in Section 33 of the Community Care and Assisted Living Act, which states:

Offence and penalty 33 (1) A person who contravenes section 5, 6, 18 (2) or (3) or 26 (1) of this Act or a term or condition attached to a licence commits an offence. (2) A person who commits an offence under subsection (1) is liable to a fine of up to \$10, 000. (3) If an offence under subsection (1) is of a continuing nature, each day that the offence continues constitutes a separate offence.

Only issues of non-compliance relating to the unlawful operation are detailed in the body of this inspection report.

Immediate compliance to Section 5 of the Community Care and Assisted Living Act is required. Written confirmation of compliance must be submitted by the operator to LicensingDirect@interiorhealth.ca by Monday September 16, 2024 at 8:30am.

Observed Contraventions

Evidence for this report was based on a combination of the Licensing Officer's observations, a review of facility records and information provided by the facility staff at the time of the complaint investigation, as appropriate.

C11 - Initial

CI1.7 - Is the facility operating legally under the Act?

No

Follow up by: 9/16/2024 12:00:00 AM

No.

The investigating Licensing Officer arrived at the premises at 11:41am on September 13/24. The Licensing Officer explained the purpose of the unannounced visit, including the nature of the allegations, and the sections of the Community Care and Assisted Living Act (CCALA) that apply. The operator signed the consent to inspect form and permitted the Licensing Officer (LO) to enter the home. The Licensing Officer observed 3 preschool age children in the care of the operator. The operator confirmed to the LO that none of the children were a sibling group and none of the children were related to the operator.

The Licensing Officer explained the options available to the operator in order to immediately come into compliance with Section 5 of the CCALA. These options included: ceasing care of all of the children or reducing the number of children in care at one time to no more than 2 children unrelated to the operator by blood or marriage or 1 sibling group. The LO also explained the process for applying for a child care facility licence through Interior Health to the operator.

Immediate compliance to Section 5 of the Community Care and Assisted Living Act is required. Written confirmation must be submitted by the operator to LicensingDirect@interiorhealth.ca on Monday September 16, 2024 at 8:30am.

- CI1.7A - A person must not operate or hold themselves out as operating a community care facility. Act(5)(a)
- CI1.7B - A person must not provide or hold themselves out as providing care in a community care facility. Act(5)(b)
- CI1.7C - A person must not accommodate or hold themselves out as accommodating a person who requires care in a community care facility. Act(5)(c)

Action(s) Required by Licensing Office :

- Conduct follow up inspection to confirm ongoing compliance

Action(s) Required by Operator :

- Operator to submit written confirmation that they understand the requirements of the CCALA regarding the number of persons they may provide care to without a licence
- Operator to immediately reduce number of children or persons in receiving care to as per the requirements of the CCALA.
- Operator to submit written confirmation to Licensing Office that they have reduced the number of children or persons in receiving care to as per the requirements of the CCALA.

Received By:

Inspector:

Katalina Cotton

Shauna Stewart, Licensing Officer

Follow up date, if required