

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

<p>Facility Name Key City Gymnastics</p> <p>Facility Address 415 Industrial Road A Cranbrook BC V1C 4X8</p>	<p>Licence # F-2024-53745</p> <p>Facility Phone (250) 426-2090</p> <table border="0"> <tr> <td>Licensee Garry Ricks</td> <td>Manager Michelle Ricks</td> </tr> </table>	Licensee Garry Ricks	Manager Michelle Ricks
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<p>Inspection Date 18-Sep-2024</p>			
<p>Reason for Inspection Substantiated complaint</p>			
<p>Service Type Unlawful facility</p>	<p>Maximum Capacity N/A</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 inspection is to follow up a complaint received by Licensing on September 13, 2024.

The complaint involved allegations of noncompliance 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 licensing officer's observations, and information provided by the individuals present at the time of inspection, it has been confirmed that a contravention to Section 5 of the Community Care and Assisted Living Act has occurred at 415 Industrial Road A, Cranbrook, 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 Thursday September 19, 2024 at 3:00pm.

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: 9/19/2024 12:00:00 AM

The investigating Licensing Officer (LO) arrived at a gymnastics program for children aged 3-5 at 9:20 am on September 18, 2024. The LO observed 2 children in care. Approximately 10 minutes later 2 more children were dropped off making the total number of children in care 4. The LO observed craft supplies, and story books in the area where the children have snack.

The LO was informed that the program runs for 2.5 hours from 9:30 – 12:00 am Monday, Wednesday and Friday. Time is allotted in the program for snack, arts and crafts, stories, playdough etc.

The Licensing Officer explained that programs are no longer exempt if they exceed the singular focus of instruction (gymnastics) to include activities such as snack time, arts and crafts, etc. Inclusion of other such activities are indicators that care is being provided and would require a license to operate a community care facility.

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 Thursday September 19, 2024 at 3:00 pm.

- 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.

Garry Ricks

Yvette (Beth) Woodard, Licensing Officer

Follow up date, if required