

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

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| <p><b>Facility Name</b><br/>Samantha Jackson</p> <p><b>Facility Address</b><br/>12115 Marshall Crescent<br/>Summerland BC V0H 1Z5</p> | <p><b>Facility #</b><br/>F-2024-51605</p> <p><b>Facility Phone</b><br/>(250) 328-4083</p> <p><b>Licensee</b><br/>Samantha Jackson</p> <p><b>Manager</b><br/>Samantha Jackson</p> |
| <p><b>Inspection Date</b><br/>12-Feb-2024</p>   |  |
| <p><b>Reason for Investigation</b><br/>Substantiated complaint</p>  |  |
| <p align="center"><b>Service Type</b></p>   | <p align="center"><b>Maximum Capacity</b></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 on a complaint received by Licensing on January 8, 2024.

This is the second complaint received by Licensing of alleged unlawful care being provided by the operator to more than 2 children at one time and who were unrelated to the operator. The first complaint of alleged unlawful care being provided by the operator was received by Licensing in December 2023. This first complaint was followed up by Licensing with a separate investigation.

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 written and verbal statements provided by multiple sources, as well as photographic evidence gathered by Licensing, it has been confirmed that a contravention to Section 5 of the Community Care and Assisted Living Act occurred at 12115 Marshall Crescent, Summerland BC. Specifically, the evidence obtained by Licensing confirmed that there were more than 2 children in care at one time and who were not related to the care provider by blood or marriage.

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.

Timeline for this complaint:

- January 8, 2024 - Complaint received by Licensing of alleged unlawful care being provided by the operator to more than 2 children at one time and who were unrelated to the operator. An application for a Licence to operate an In-Home Multi-Age Child Care program at this location was in progress since April 2023.
- January 19, 2024 - Confirmation received by Licensing from the operator that children were no longer in care. Licensing determined that some children in care were moved to the licensed facility, Making Waves Childcare.
- January 29, 2024 - Complaint substantiated of unlawful care being provided by the operator to more than 2 children at one time and who were unrelated to the operator by blood or marriage.
- January 30, 2024 - Written confirmation received by Licensing that the operator had reduced the number of children in care at one time to 0.
- January 30, 2024 - Written confirmation received by Licensing that the operator has withdrawn the pending licence application for an In-Home Multi-Age Child Care program at this location.
- February 2024 and onward - Monitoring by Licensing will continue to ensure the operator maintains compliance with Section 5 of the Community Care and Assisted Living Act.

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

## 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.

**CI1 - Initial**

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

CDI    **No**

**Immediate compliance to Section 5 of the Community Care and Assisted Living Act (CCALA) is required. -  
\*Resolved at the time of this inspection report.**

**Written confirmation from the operator regarding immediate compliance with Section 5 of the CCALA and that the operator understands the requirements as outlined in the CCALA regarding the number of children permitted in care at one time without a licence was received via email by Licensing on January 30, 2024 at 1:46pm.**

- *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)*

**Received By:**

**Inspector:**

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Samantha Jackson

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Shauna Stewart, Licensing Officer

**Follow up date, if required**