

ITEM	9
MANAGER'S REPORT NO.	44
COUNCIL MEETING	86/07/21

RE: LETTERS OF COMPLAINT WHICH APPEAR ON THIS WEEK'S AGENDA FOR COUNCIL
SALE OF PROPERTY 8179 GOVERNMENT ROAD
LICENSED GROUP DAY CARE

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Chief Public Health Inspector be adopted.

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TO: MUNICIPAL MANAGER 1986 JULY 14

FROM: CHIEF PUBLIC HEALTH INSPECTOR

SUBJECT: LETTERS OF COMPLAINT TO MUNICIPAL COUNCIL
REGARDING SALE OF PROPERTY
INCLUDING LICENSED GROUP DAY CARE
8179 GOVERNMENT ROAD

RECOMMENDATION:

1. THAT copies of this report be sent to the correspondents to Council on this subject.
2. THAT a copy of this report be forwarded to Dr. H.M. Richards, Chairman, Provincial Child Care Licensing Board, Ministry of Health, 1515 Blanshard Street, Victoria, B.C., V8V 3C8.

SUMMARY

The subject Group Day Care occupancy was approved in 1964, prior to adoption of the Zoning Bylaw, designating it as legally non-conforming. Providing a new owner of the property continues the business within six months of purchase, the Group Day Care occupancy could continue as a legal non-conforming use.

The Health Department's Community Care Licensing Staff are currently conducting a review of this Group Day Care. In 1986 June, action was taken on violations of the Provincial Child Care Regulations. The review is taking into consideration the complaints mentioned in the correspondence to Council.

REPORT

Further to receipt of correspondence regarding the sale of residential property including a licensed Group Day Care business, at 8179 Government Road, we would advise as follows:

A. BACKGROUND:

A review of Health Department records revealed that the subject property was licensed in 1964 as a Group Day Care. In 1973 June the Health Department recommended approval to the Provincial Child Care Licensing Board for the granting of a licence to the current operator for a Group Day Care, for children of ages 3 - 5. The total approved capacity was 15, the maximum number permitted under the Provincial Child Care Regulations.

B. SALE OF PROPERTY AND THE GROUP DAY CARE BUSINESS:

The Director of Planning & Building Inspection has provided the following comments with regards to the use of the property for a Group Day Care occupancy.

The subject property is currently situated in an R1, Residential Single Family District. This district permits "Home Occupations" as a principal use, which permits the operation of a kindergarten or day nursery for not more than five (5) children. (Bylaw No. 4765-65-09-20).

The subject day care facility is currently licensed for 15 children but is considered legally non-conforming under the regulations of the current Zoning Bylaw. Documents on file (microfilm) in the Building Department reveal that the site received Municipal Approval for a 15 children day care facility in 1964 (prior to the adoption of the Zoning Bylaw). Any increase in the number of children could not be approved.

Due to this historical non-conformity; the continuation of this use, by the present owners or any future owners of the property, would be permitted as set out in Sections 970(1) and 970(7) of the Municipal Act which states:

(1) "Where land, a building or a structure is lawfully used, at the time of the enactment of a rural land use bylaw or adoption of a bylaw under this division, but that use does not conform to the bylaw, the use may be continued as a non-conforming use, but if the non-conforming use is discontinued for a continuous period of six months, any subsequent use of the land, building or structure becomes subject to the bylaw."

(7) "For the purposes of this Section, a change of owners, tenants or occupants of any land, or of a building or structure, does not, by reason only of the change, affect the use of the land or building or structure."

Taking into consideration the Provincial Child Care Licence, a change of ownership would require a new application. Upon receiving documentation that the property conforms with the Zoning Bylaw requirements the Health Department, Community Care Licensing Staff, would review the application focussing on qualifications of staff and the content of the Day Care program. Upon completion of the review, a recommendation for licensing would be forwarded to the Provincial Child Care Licensing Board.

It should be pointed out that there is no restriction under the Provincial Child Care Regulations as to the number of licensed facilities in any community. Prior to any application being received for a Community Care Licence, either an Adult or Child Care facility, the applicants are directed to the Planning & Building Inspection Department for zoning approval.

C. CURRENT OPERATION:

As previously mentioned, the current operator of the Group Day Care at 8179 Government Road received their Provincial Child Care Licence approval in June of 1973. This particular Group Day Care has recently been under monitoring by the Health Department, Community Care Licensing Staff. On 1986 June 04 a meeting was held between the Chief Public Health Inspector and the Licensee to discuss the following violations of the Provincial Child Care Act.

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- 1) The operation of an out-of-school program which resulted in an exceedance of the permitted number of children in attendance on the property.
- 2) An unsatisfactory number of staff to care for the approved number of children in attendance at the Group Day Care.

The Licensee was advised that the Health Department, Community Care Licensing Staff and the Ministry of Human Resources Day Care Consultant, would be immediately conducting a review of the Group Day Care Program to ensure that the requirements of the Provincial Child Care Regulations are being met. The concerns of disturbing noise, etc. mentioned in the correspondence to Council will also be taken into consideration during the review.

Correspondence has been delivered to the Licensee confirming the above meeting and stating that should further violations of the permitted maximum number of children in attendance at the Group Day Care occur, the Health Department would have no alternative than requesting the Provincial Child Care Licensing Board to take appropriate action.

Correspondence on this subject has been forwarded to the Provincial Child Care Licensing Board.

This matter has been discussed with the correspondent's contact person, Mr. E. Rideout.

George V. Harvie

G.V. Harvie, C.P.H.I.(C)
CHIEF PUBLIC HEALTH INSPECTOR

GVH/gl

cc: Director Administrative & Community Services
Medical Health Officer
Director Planning & Building Inspection

