

About The Board

The **Appeal Board** is a tribunal created by the *Community Care and Assisted Living Act* to hear appeals under that Act and the *Administrative Tribunals Act*.

Board Members are appointed from the community by the government on the basis of their knowledge and experience in community care and administrative justice.

The Board is committed to providing a fair, impartial and independent appeal process.

Who Can Appeal to the Board

- an individual or organization that applied for: a licence to operate a community care facility, an early childhood educator certificate, or the registration of an assisted living residence
- a licensee, certificate holder, or registrant
- a person in care, or their representative, who objects to a local exemption

Time Limit To Appeal

The appellant must deliver a **written** appeal notice to the Board and to the respondent within **30 days** of being notified of the decision to be appealed.

The Board may extend the time to appeal in exceptional circumstances.

What Can Be Appealed

- an appointment of an Administrator to operate a community care facility
- a refusal to issue: a licence to operate a community care facility, an early childhood educator certificate, or a registration of an assisted living residence
- a decision taken against a licence, certificate or registration
- a decision to grant a local exemption

The Parties

The parties involved in an appeal are:

- the individual or organization that is bringing the appeal (called the appellant)
- the decision-maker that made the decision being appealed (called the respondent)

It is not necessary to be represented by a lawyer. A party that chooses to have a lawyer is responsible for the cost of the lawyer. A party may also be represented or assisted by someone who is not a lawyer.

There is no fee for filing an appeal.

The Appeal Notice

There is no special form for a notice to start an appeal but it must be done in writing. The appellant, or their lawyer or other representative, must sign the appeal notice and the letter must set out:

- current contact information for the appellant and any lawyer or other representative, including: full name, address, telephone number, any fax or email address
- the community care facility or assisted living residence involved (if any)
- the specific matter being appealed including: the decision involved, person who made the decision, date of the decision, date of notification of the decision (include a copy of the decision)
- the specific grounds and reasons for the appeal

Filing a notice of Appeal does not automatically stay or suspend the effect of the decision being appealed.

In some circumstances, if the appellant requests it, the Board may make an order suspending the decision IF it is satisfied that suspending the decision being appealed would not risk the health or safety of a person in care.

Contact the Board to apply for a Stay.

The Appeal Process

The appellant must deliver the Notice of Appeal to the Board and to the decision-maker whose decision is under appeal.

The Board will send a letter acknowledging the appeal notice and providing more information about the appeal process.

The respondent must provide a copy of all documents that were considered by the decision-maker in making the decision under appeal to the Board and to the appellant.

The Board may hold a pre-hearing conference with the parties to guide their preparation for the appeal.

When the appeal is heard, each party may call witnesses and provide other evidence or file documents that are relevant.

Hearings are generally open to the public. Parties may also bring other persons who can provide evidence as witnesses, assist in clarifying information or simply to offer support.

The Board usually issues a written decision on the appeal at a later date and delivers a copy to each party. Decisions will also be posted on the board's website.

Appeal hearings are usually held in the appellant's area of residence.

To File an Appeal

Hand deliver, mail or fax the appeal notice to:

The Community Care and Assisted Living Appeal Board

Attention: The Director
4th Floor -747 Fort Street
Victoria BC V8W 3E9

Fax: 250-356-9923

How To Get More Information

Visit our Website: www.ccalab.gov.bc.ca

Section 29 of the *Community Care and Assisted Living Act* creates the right of appeal and sets out the process, along with the *Administrative Tribunals Act*.

You may also request a copy of the **Rules** that apply to all appeals to the Appeal Board.

Please contact the Community Care and Assisted Living Appeal Board office if you have any questions.

Phone: 250-387-3464

(to call **Toll Free** from Vancouver dial 604-660-2421, or from elsewhere in BC dial 1-800-663-7867, and ask to be connected to the above number)

Email: CCALAB@gov.bc.ca



The Community Care and Assisted Living Appeal Board

Please see our website at:

www.ccalab.gov.bc.ca

Community Care and Assisted Living Act
SBC 2002 Chapter 75