

FACT SHEET

Child Care Licensing Regulation and Residential Care Regulation

Community Care and Assisted Living Act

EXEMPTIONS

The *Community Care and Assisted Living Act*, Section 16, states that: A medical health officer may grant an exemption from a requirement of this Act or the regulations to a licensee or an applicant for a licence who applies for the exemption, if satisfied that

- there will be no increased risk to the health and safety of persons in care, and
- the exemption meets prescribed requirements.

A medical health officer may attach terms and conditions to the exemption and suspend, cancel or vary an exemption granted.

What is an exemption?

An exemption is a release from a requirement, in this case, a requirement of legislation.



What is the purpose of an exemption?

An exemption gives local decision makers flexibility and the discretion to consider unique situations when the requirements of legislation are challenging for the applicant or licensee; in such circumstances, if the health and safety of children or adults in care is not jeopardized, an exemption or release from a requirement may be possible.

What can be exempted?

Any requirement of the Act or regulation that is not listed in Schedule A of the Child Care Licensing Regulation or Residential Care Regulation may be exempted.

What cannot be exempted?

Legislative requirements from which there can be no exemptions are listed in Schedule A of the Child Care Licensing Regulation or Residential Care Regulation.

How do I request an exemption?

Community Care Licensing Programs are administered locally by health authorities through Medical Health Officers who delegate the day-to-day duties to Licensing Officers. A licensee or applicant for a licence must apply to the local Community Care Licensing Program for an exemption by completing an application form required by the health authority; the application form requests specific information relevant to the exemption.



What information do I need to provide when requesting an exemption?

- application for exemption
- documentation to support the exemption
- assessment of risk to health and safety of those in care
- number of persons impacted
- length of exemption
- facility history

What happens if an exemption is denied/not granted?

If an exemption is not granted, it cannot be appealed or reconsidered. The licensee must reapply with new or additional information. A

Medical Health Officer must provide the applicant with written reasons for denying the exemption in part or in full.

For more information

Contact the local health authority community care licensing program and speak with a licensing officer.

This information is not to be regarded as a substitute for the *Community Care and Assisted Living Act* and regulations or legal advice. If you require legal advice about the issues the issues discussed here please contact independent legal counsel.

