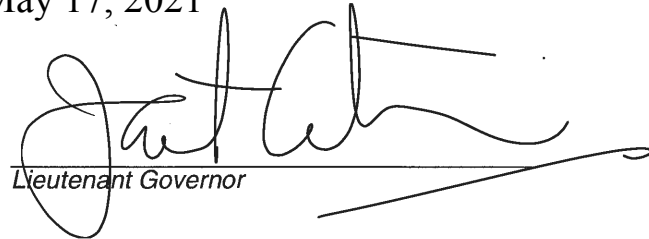


**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. 298

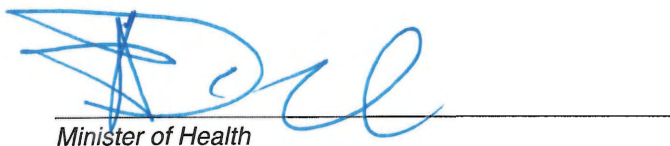
, Approved and Ordered May 17, 2021

  
\_\_\_\_\_  
Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Child Care Licensing Regulation, B.C. Reg. 332/2007, is amended as set out in the attached Schedule.

**DEPOSITED**  
May 17, 2021  
B.C. REG. 130/2021

  
\_\_\_\_\_  
Minister of Health

  
\_\_\_\_\_  
Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: Community Care and Assisted Living Act, S.B.C. 2002, c. 75, s. 34 (2) and (5)

Other: OIC 728/2007

R10465403

## SCHEDULE

- 1 ***Section 1 of the Child Care Licensing Regulation, B.C. Reg. 332/2007, is amended by adding the following definition:***
  - “board of education” means**
    - (a) a board of education or the francophone education authority within the meaning of the *School Act*, or
    - (b) the authority in relation to a school classified in group 1 or 2 under the *Independent School Act*; .
  
- 2 ***Section 2 (1) is amended by adding the following paragraphs:***
  - (i) School Age Care on School Grounds, being a program that provides at a school, before or after school hours or on a day of school closure, care to children who attend school, including kindergarten;
  - (j) Recreational Care, being a program that
    - (i) provides, after school hours or on a day of school closure, care on a drop-in basis to children who attend school, including kindergarten,
    - (ii) is provided by a licensee who is a local government within the meaning of the *Local Government Act*, an Indigenous governing body within the meaning of the *Declaration on the Rights of Indigenous Peoples Act* or a charitable, philanthropic or other not-for-profit organization, and
    - (iii) is not provided in a single family dwelling house.
  
- 3 ***Section 3 (2.1) is amended by adding “house” after “single family dwelling”.***
  
- 4 ***Section 4 (a) is amended by adding the following subparagraphs:***
  - (vii) School Age Care on School Grounds;
  - (viii) Recreational Care; .
  
- 5 ***Section 10 is amended by adding the following subsection:***
  - (3) Subsection (2) does not apply to a licensee who provides a care program described as
    - (a) School Age Care on School Grounds, or
    - (b) Recreational Care except that, if a structural change is planned to an area of a community care facility where the care program is provided, the licensee must notify a medical health officer as soon as is practicable.
  
- 6 ***Section 14 is amended by adding the following subsection:***
  - (5) Subsections (1) to (4) do not apply to a licensee who provides a care program described as School Age Care on School Grounds except that, if care is provided in a building that is not equipped with toilets and wash basins, the licensee must ensure that children’s access to a bathroom is supervised in a manner that is appropriate for the age and development of the children.

**7** *The following section is added:*

**Exception for Recreational Care**

- 14.1** (1) Section 14 does not apply to a licensee who provides a care program described as Recreational Care if the licensee complies with this section.
- (2) A licensee must ensure that, in areas of the community care facility used for a children's activity, the usable floor area, excluding the areas referred to in section 14 (1) (a) to (d), is sufficient to ensure the health and safety of children participating in the activity.
- (3) A licensee must have sufficient urinals, toilets and wash basins to meet the needs of children in care.

**8** *Section 15 is amended by adding the following subsection:*

- (1.1) Subsection (1) does not apply to a licensee who
- (a) provides a care program described as School Age Care on School Grounds, and
- (b) is a board of education.

**9** *Section 16 is amended by adding the following subsections:*

- (5) Subsections (1) (a), (3) and (4) do not apply to a licensee who provides a care program described as School Age Care on School Grounds except that a licensee who is not a board of education must ensure that any play materials or equipment provided by the licensee is appropriate for the age and development of the children in care.
- (6) Subsections (1) to (3) do not apply to a licensee who provides a care program described as Recreational Care.

**10** *Section 20 (2) is repealed and the following substituted:*

- (2) For the purposes of subsection (1), a person is not "ordinarily present" at a community care facility if the person
- (a) is only picking up or dropping off a child, and
- (b) is the child's parent, or a person designated in writing by the child's parent as a person who may pick up or drop off the child.

**11** *Section 22 (1) (a) is amended*

- (a) *in subparagraph (i) by striking out "BC Building Code" and substituting "British Columbia Building Code", and*
- (b) *in subparagraph (ii) by striking out "section 31 of the Fire Services Act" and substituting "section 2.8.3 of the British Columbia Fire Code".*

**12** *Section 34 is amended by adding the following subsection:*

- (3.1) A licensee who provides a care program described as Recreational Care
- (a) is not subject to subsection (2), and

- (b) must ensure that the ratio of employees to children attending the community care facility is as follows:
  - (i) if any preschool child or child in grade 1 is present, there must be for every 12 children present at least one supervising responsible adult;
  - (ii) if no preschool child or child in grade 1 is present, there must be for every 15 children present at least one supervising responsible adult.

**13 Section 40 is amended**

**(a) in subsection (1) by striking out “subsections (2) to (4)” and substituting “subsections (2) to (5)”, and**

**(b) by adding the following subsection:**

- (5) A licensee providing a care program described as Recreational Care must not provide care before school hours.

**14 Section 43 is amended**

**(a) by renumbering the section as subsection (1), and**

**(b) by adding the following subsection:**

- (2) Subsection (1) does not apply to a licensee who provides a care program described as Recreational Care except that the licensee must provide
  - (a) a range of activities that provide children with opportunities for social development, and
  - (b) a comfortable atmosphere in which children can feel proud of their cultural heritage.

**15 Section 44 is amended by adding the following subsection:**

- (6) With respect to a licensee who provides a care program described as Recreational Care,
  - (a) subsections (1) (c), (2) and (3) do not apply, except that the licensee must ensure that the program of activities is modified to address the needs of children participating in the activities, and
  - (b) for the purposes of subsection (1) (a) and (b), the licensee need not provide both indoor and outdoor activities.

**16 Section 47 is amended by adding “, other than a licensee who provides a care program described as School Age Care on School Grounds,” after “A licensee”.**

**17 Section 53 (4) is amended**

**(a) by striking out “in the child’s care plan”, and**

**(b) by adding the following paragraphs:**

- (a) in the child’s care plan, or

(b) in the child's record, in the case of a licensee who provides a care program described as Recreational Care.

**18 Section 56 (1) is amended by adding the following paragraph:**

(a.1) in the case of a licensee who provides a care program described as Recreational Care, written policies and procedures respecting how children and youth will be prevented from sharing a bathroom unsupervised; .

**19 Section 57 is amended by adding the following subsection:**

(2.4) Despite subsection (2) (a) and (d), a licensee who provides a care program described as Recreational Care is not required to keep any of the following information:

- (a) a child's medical insurance plan number;
- (b) the name and telephone number of a child's medical practitioner.

**20 Schedule B is amended by adding the following sections:**

**1.1** Despite section 1, an applicant who intends to provide a care program described as School Age Care on School Grounds must submit with the application only the matters set out in

- (a) sections 2 and 11 of this Schedule, if the licensee is a board of education, or
- (b) sections 2, 3, 5 and 11 of this Schedule, if the licensee is not a board of education.

**1.2** Despite section 1, an applicant who intends to provide a care program described as Recreational Care must submit with the application only the matters set out in the following:

- (a) section 2 of this Schedule, except that the description of the care program need not be detailed;
- (b) sections 3, 5, 7, 10 and 11 of this Schedule;
- (c) section 6 of this Schedule, except the dimensions of the outdoor play area referred to in section 6 (b);
- (d) section 8 (b), including the form of consent that will be required from parents if children will not be returning to the community care facility on completing activities through the community service.

**21 Schedule G is amended in section 4 (c) by striking out "in which children feel proud" and substituting "in which children can feel proud".**