

LOCAL GOVERNMENT REGULATIONS AND PROVINCIAL LICENCING PROCESSES

Guide #4 outlines the local government and provincial government roles in the child care licensing process. More specifically, this guide includes information on:

- Types of Child Care Facilities and Programs
- Local Government Regulator Roles
- The Provincial Licensing Process
- Navigating the Local Government Regulation and Child Care Licensing Processes

4.1 Introduction

To open and operate a new child care facility, prospective providers must navigate both municipal permitting and provincial licensing processes.

This section outlines the roles of local governments as regulators, suggesting ways that bylaws, such as zoning, may be amended to support the creation of new child care spaces in communities, especially recognizing many of the applicants often do not have any prior experience or familiarity with building development or local permitting processes.

Additionally, this section provides insight into the provincial licensing process, acknowledging that this process typically happens concurrently to municipal inspections and approvals.

Finally, information is provided on licensing requirements to assist local governments seeking to obtain a child care licence for a local government-owned facility.

At the **provincial level**, licensing legislation and regulation for child care facilities are the responsibility of the Ministry of Health. The requirements consider the following areas:

- Health and safety
- Staffing qualifications
- Staff – to – child ratios
- Group size
- Indoor and outdoor space
- Furniture, equipment and play materials, and
- Programming standards

The Regional Health Authority Community Care Facility Licensing programs process the applications and issue the licenses to operate a child care program. They are responsible to ensure child care facilities comply with the provincial legislation and regulation and conduct annual site inspections.

This child care license from the health authority will not be issued until all local government requirements are met.

At the **local government level**, there is a regulatory role with a set of by-laws that may include:

- Official Community Plans
- Zoning and Development
- Building
- Signage

- Business licence (municipalities only)
- Parking
- May include Child Care Design Guidelines

It is important to note that requirements for local government vary greatly across the province which makes it challenging for child care applicants who are delivering services in more than one jurisdiction.

4.2 Types of Child Care Facilities and Programs

A. In BC there are two types of legal child care operations: licensed and license- not -required.

- ii. **Licensed programs** include group programs for children from birth through school age, Preschool programs, Family Child Care, Multi-age and In-Home Multi-age and Occasional care.

Details for all Types of Child Care in BC

- ii. **Licence Not- Required** or Unlicensed Providers, can provide care for up to two children (or a sibling group) in their own home, as well as their own children. They may be operating illegally if they have more than two children (or more than a sibling group) in their home.

There are also two categories of License Not Required Child Care:

- Registered Licence Not Required where the providers are registered with a Child Care Resource and Referral Centre and must complete:
 - Criminal record check and character references
 - A home safety assessment
 - First aid training
 - Child care courses or workshops
- Unregistered: where the providers are not monitored or inspected and do not have to meet health and safety requirements.

B. Generally, there are two types of settings for child care facilities: commercial and residential home-based.

- i. Programs in **Commercial Spaces (including but not limited to retail, publicly owned, not-for-profit owned or leased)**, include:
- Multi-Age Care: maximum 8 children per group
 - Group Daycare for children under 36 months: maximum 12 children per group
 - Group Daycare, 30 Months to School Age: maximum 25 children per group
 - Group Child Care School Age: maximum 24 or 30 per group (depending on the age)
 - Preschool – 30 months to school age: maximum 20 children

There may be more than one program type offered at the same location. The applicant hires staff to deliver the service.

- ii. Programs in residential homes (i.e. single-family dwelling, duplex or apartment) which include:
- Family Child Care: maximum 7 children
 - In-Home Multi-Age Care: maximum 8 children

The applicant must reside in the home and personally provide the care of the children.

4.3 Local Government Regulator Roles

As noted in [GUIDE #2: LOCAL GOVERNMENT ROLE IN FACILITATING, SECURING AND FINANCING CHILD CARE](#), local governments have an important and significant role that can strategically support child care expansion in their local community. It is therefore important for local government staff to be knowledgeable of the bylaws that may affect child care so that they can both share the requirements with prospective applicants and, even more importantly, ensure that by-laws are up to date, that they support new spaces and are streamlined to remove unnecessary barriers.

A. Official Community Plan (OCP) and Zoning By-laws

Guide #2 notes that local governments should ensure that their OCP includes specific statements about the importance of child care, and a commitment to facilitating and supporting child care. This will support staff to prioritize and support child care in policy development and implementation.

Zoning by-laws should be reviewed with the goal of including child care as a permitted or conditional use wherever possible, therefore reducing the need for rezoning applications, and the time and processes required for those.

B. Other by-laws that may impact child care include: Building Permits, Parking and Drop -off Requirements, Signage, and Business licenses.

Often changes made to the review process can be more effective than any other measure taken to improve the permitting process.

- Consider identifying one staff position as the primary point person for all child care applications who ensures the application is complete, supports the applicant through all the local permitting processes, and is the link for other staff.
- Prioritize not-for-profit and public child care applications, over private operators
- Ensure inspections are coordinated
- Undertake a full review of the processes, in consultation with the child care community, to identify ways to streamline and remove barriers.
- A review of internal communication processes on policies, commitments, regulations, especially when changes are made, can expediate the approval of new child care spaces.

Having a clear resource document, as noted in 4.5, will also assist applicants in understanding the requirements.

- C. Section 20 of the Community Care and Assisted Living Act provides exemptions from any land use and building laws for licensed in-home providers who care for eight or less children, even if current the local bylaws specifically disallow child care in a residential zone. However, these home-based locations must still meet the requirements as outlined in the [BC Building Code](#).

- [City of Coquitlam Official Community Plan](#)

- [District of North Vancouver Official Community Plan](#)

TIP

The majority of child care-related applications are for modifications or renovations to existing spaces, often managed directly by the child care operator themselves, not a building professional. These will require inspections and while the inspection process is not onerous, these inspections often require pre-booking and can take weeks to complete, potentially delaying the opening of spaces. Coordinating these inspections can help the spaces open more quickly.

4.4 The Provincial Licensing Process

In BC, the Ministry of Health is responsible for the Community Care and Assisted Living Act and the Child Care Licensing Regulation.

Regional Health Authorities are responsible for the delivery of the Community Care Licensing Program in their communities. The Medical Health Officer (MHO) has responsibility for licensing, inspection, and monitoring of community care facilities. MHO's delegate their authority to licensing officers to carry out day-to-day work, such as licensing, inspection, and monitoring for compliance with provincial legislation and regulation.

Anyone who is interested in opening a new child care facility or in expanding their current child care operation must apply to the Community Care Facility Licensing Program at their Regional Health Authority. The steps can be found here: [Open a Licensed Child Care Facility](#).

Once an application is received it is assigned to a Licensing Officer who then:



Approval process for provincial licensing and the local requirements generally occur at the same time.

TIP

Engage the local Licensing Officers early in the process for any local government- involved developments so that the work is efficient and aligned with all the requirements, avoiding delays in licensing.

4.5 Local Government's Role in Supporting Applicants to Navigate the Local Government Regulation and Child Care Facility Licensing Processes

Typically, the Health Authority licensing program is the first place a prospective child care operator goes to learn what to expect from all of the processes and requirements, including those from the local government. Since the application process is hinged on the applicant also meeting all the local requirements, it is helpful for both the licensing staff and local government staff to be able to broadly speak to all of the processes.

TIP

Identify a key position in each organization (local government and provincial licensing) who has the responsibility to meet regularly to ensure information is up to date, to distribute that information through their respective organizations and to act as point persons to ensure as many barriers as possible are removed so new child care spaces can be more easily created.

Providing applicants with a document that outlines the step by step processes, including a link to the [BC Building Code](#) will expediate and streamline the processes. This resource should:

- Contain all the information about processes and requirements in one place
- Assume that applicants do not have any familiarity with the processes
- Identify all the departments and agencies involved with reviewing child care facility applications, including the contact information for the relevant Staff position.
- Provide easy to understand process steps and flow charts for each type of application, including references to Community Care Facilities Licensing and the relationship to or interplay with local government processes
- Provide information on zoning districts that indicates where child care facilities (and how many spaces) can (or cannot) be located, being mindful of the provincial standards;
- List or provide links to the fee schedule for various applications (e.g., rezoning, building permit, business licence); and,
- Specify application requirements (e.g., for rezoning, building permits, business licences, community care facility child care licence)

TIP

Posting the step by step processes on local government and Health Authority websites, and make it available through the licensing office and the local [BC Child Care Resource and Referral Centres](#). This makes that information publicly available prior to a child care application being submitted, potentially reducing time needed to respond to incomplete applications or answer basic questions.

- [Creating Child Care Spaces in Richmond](#)
- [Developing A Child Care Centre in Vancouver](#)
- [Opening A Child Care Facility in New Westminster](#)
- [Child Care Facility Requirements - Coquitlam](#)

