

COMMUNITY CARE AND ASSISTED LIVING APPEAL BOARD

PREPARING THE LICENSING APPEAL RECORD

Once the licensing authority is notified that a new appeal has been filed, it must put together and file with the board a complete copy of the licensing appeal record.

The "appeal record" consists of the decision being appealed, the respondent's reasons for the decision, and all supporting documentary evidence, reports, policies, legislative provisions and submissions considered by the respondent in making the decision. **The information contained in the record must not be edited or severed**, but it does not include solicitor client privileged communications between the respondent and the respondent's lawyer.

For example, if an appeal was started against the reconsideration of a decision to cancel a community care license, the licensing appeal record would include a copy of the reconsideration decision, the initial cancellation decisions, and all supporting information leading up to those decisions such as the investigation reports and notes, facility histories, complaint forms, notes to file, facility inspection reports, letters, pictures, incident reports, licenses, etc.

The record only includes information up to and including the licensing decision under appeal. The purpose is to give to the appeal board and the appellant, as a starting point for the appeal, a complete and full copy of all information that was used or considered in making the decision that is being reviewed.

Any later correspondence regarding the appeal to the appeal board is not part of the licensing appeal record that the respondent must prepare. Other documents and information will be provided to the board separately leading up to the hearing of the actual appeal itself, but the licensing 'appeal record' is meant only to be a complete record of the decision below that led up to the appeal.

The respondent is required by Rule 7 to deliver the appeal record **to both the appellant and the appeal board within 21 days** after delivery of the appellant's notice of appeal. If the appeal record cannot be delivered within that time, the respondent may make a written request to the Board for an extension of time. The request must explain why more time is needed.

The appeal record must contain clearly **legible**, photocopied documents, with sequential page numbering and a detailed table of contents. When it contains more than 25 pages, each copy of the appeal record must be secured in a binder or similar book.

When the appeal record is sent to the appeal board, it must include a cover letter that provides **the respondent's written certification that the appeal record is complete and accurate in all respects.**

The respondent's responsibility for complete and accurate compilation and timely delivery of the appeal record is critical to the effectiveness and fairness of the appeal process.