

Advice Regarding the Issuance of a New Licence

A service system manager may provide advice to a Ministry of Education director regarding the issuance of a child care licence if, in its opinion, the licence would authorize the provision of child care in the service area that is inconsistent with its child care and early years programs and services plan.

The advice must be provided in writing, and must provide detailed reasons that align with the parameters set out in section 23(1)(f) of the *Child Care and Early Years Act, 2014*, specifically that the issuance of the licence would be inconsistent with the service system plan as it relates to:

- the demand for child care;
- the capacity of existing child care; or,
- the location of existing child care.

Process to submit advice:

- 1) An application for a new licence is submitted in the Child Care Licensing System (CCLS), assigned to a Ministry of Education region, and matched to the appropriate service system.
- 2) Service system manager users in CCLS receive an email notifying them that an application has been submitted within their service area and they are able to review the application details.
- 3) After reviewing the application details, the service system manager decides that the issuance of this licence would be inconsistent with their service system plan.
- 4) The service system manager sends a detailed written response by email to the Ministry of Education director (licensing and compliance manager). This response must include the following information, where possible:
 - a. Why the application and proposed child care program are inconsistent with the service system plan;
 - b. Description of any communication or consultation with the applicant regarding the proposed program;
 - c. Documentation to quantify the demand for child care in the neighborhood (e.g., census data, surveys);
 - d. Documentation demonstrating how demand has been met (e.g., list of child care centres, map showing location of the centres, information on capacity of centres in the neighbourhood);
 - e. A copy of the service system plan which shows that the demand for child care in the area has been fully met and there is no need to increase capacity (either in general, or in one specific age group).
- 5) Ministry of Education director acknowledges provision of advice by email and seeks further information if required.
- 6) Ministry of Education director notifies the service system manager if they will be proceeding with proposing to refuse to issue a new licence.

Frequently Asked Questions

1) How do I know if a new application has been submitted in my service area?

CCLS sends automatic notifications to service system manager users when an application is submitted in their service area. For more information on the CCLS and timing of notifications, please refer to the [CCLS Reference Guide for CMSMs/DSSABs](#).

2) Can I provide advice directly in CCLS?

Not at this time. Advice must be provided via email to the local Ministry of Education director.

3) What happens after the Ministry of Education receives the advice?

The Ministry of Education director considers all available evidence and makes a decision as to whether to issue a licence or not. As part of the Ministry's progressive enforcement process, other tools may be considered to help support the applicant (e.g., additional support, additional time).

If the advice submitted by a service system manager does not align with the legislated parameters, or does not contain enough information, the Ministry of Education director will reach out for additional information.

4) Who makes the final decision to issue or refuse to issue a new licence? Can applicants appeal this decision?

Ministry of Education directors under the CCEYA are authorized to issue licences and applicants can appeal this decision to the Licence Appeal Tribunal (LAT). LAT may uphold, change or overturn a Ministry licensing decision.

5) What if I have other information that may help inform the Ministry's decision, such as information on the applicant's past history, or information about the premises proposed for use as child care?

Service system managers play an important role in managing child care at the local level and all advice is appreciated even when it is not the sole factor under consideration.

Subsection 23(1) of the CCEYA sets out very specific parameters for proposing to refuse to issue a licence, and Ministry of Education directors must make licensing decisions within those parameters. If you have additional information to provide that aligns with the Ministry's authority to refuse to issue a licence, please include that information in your written response; however, note that the director will need to consider all information..

6) How do I find out who the Ministry of Education director is in my service area?

Licensing and compliance managers within the Ministry of Education's Child Care Quality Assurance and Licensing Branch have been designated as directors under the CCEYA and are responsible for making licensing decisions.

If you are unsure which region your service area falls in, please reach out to the Licensing Child Care Helpdesk at 1-877-510-5333 or by email at childcare_ontario@ontario.ca, and they will be happy to provide you with the appropriate contact.