

EXPLANATORY NOTES

BILL

No. 8

**An Act to amend *The Child Care Act, 2014***

**Clause  
of Bill**

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1 *The Child Care (New Facilities) Amendment Act, 2024*

2 *The Child Care Act, 2014 - SS 2014, c C-7.31*

3. **Existing Provision**

**Interpretation**

2 In this Act:

“**child**” means a person under the age of:

- (a) 15 years if, in the opinion of the minister, the person has special needs; or
- (b) 13 years in any case that described in clause (a);

“**child care centre**” means a facility that provides child care services, but does not include:

- (a) a family child care home; or
- (b) a group family child care home;

“**child care services**” means services that have as their primary purpose the care and supervision of children;

“**facility**” means:

- (a) a child care centre;
- (b) a group family child care home; or
- (c) a licensed family child care home;

“**family child care home**” means residential premises in which child care services are provided to not more than eight children at any one time;

“**family child care provider**” means an individual who operates a family child care home;

“**group family child care home**” means residential premises in which child care services are provided to not more than 12 children at any one time;

**“group family child care provider”** means an individual who operates a group family child care home;

**“individual”** means an individual who is a resident of Canada;

**“licence”** means a valid licence issued pursuant to this Act, and includes a provisional licence;

**“licensee”** means the holder of a licence;

**“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

**“ministry”** means the ministry over which the minister presides;

**“parent”** means the person who has lawful care or custody of a child;

**“record”** includes any information that is recorded or stored in any medium or by means of any device, including by computer or electronic media.

2014, c.C-7.31, s.2

### **Explanation**

- a) Adding the definition of **“alternative child care services”** in alphabetical order with the listed definitions.

### **Explanation**

- b) Repealing the definition of **“child care centre”** and replace with the following:  
**“child care centre”** means a facility that provides child care services, but does not include any of the following:
  - (a) An alternative child care services centre;
  - (b) A family child care home;
  - (c) A group family child care home;
  - (d) A preschool.

### **Explanation**

- c) Repealing the definition of **“facility”** and replace with the following:  
**“facility”** means any of the following:
  - (a) An alternative child care services centre;
  - (b) A child care centre;
  - (c) A licensed family child care home;
  - (d) A group family child care home;

(e) A licensed preschool;

**Explanation**

d) Replacing “eight” with “8” in the definition of “family child care home”

**Explanation**

e) Replacing “12” with “16” in the definition of “group family child care home”

**Explanation**

f) Repealing the definition of “**person**” and replace with the following:  
“**person**” includes an entity mentioned in subsection 7(2) or 7.1(2)

**Explanation**

g) Adding the definition of “**preschool**” in alphabetical order.  
(a) in which child care services are provided to preschool children, but in  
(b) which no preschool child receives child care services for more than 3  
hours in a  
(c) day; and  
(d) (b) that is approved as a preschool by the minister in accordance with  
this Act  
(e) and the regulations;

**4. Existing Provision**

**Whether a licence is required**

5(1) No person shall operate a child care centre or a group family child care home, or cause a child care centre or a group family child care home to be operated, unless the person holds a licence for the child care centre or group family child care home.

(2) A person may operate a family child care home with or without a licence.

2014, c.C-7.31, s.5

**Explanation**

Section 5 is repealed and substituted with subsection 5(1) allowing the ministry to mandate the requirement of a license to operate an alternative child care services centre, a child care centre, or a group family child care home.

(2) Family child care homes and preschools may operate with or without a license, as determined and approved by the Minister.

**5. Existing Provision**

**Restrictions on numbers of children**

6(1) No person shall provide child care services to more than eight children at any one time without a licence for a child care centre or a group family child care home.

(2) No person shall provide child care services to more than eight children at any one time in a group family child care home unless the person is assisted in the provision of child care services by an individual who is at least 18 years of age.

(3) No person shall provide child care services to more than 12 children at any one time in a group family child care home.

(4) For the purpose of determining the number of children to whom child care services are being provided at residential premises at any one time, the following are to be included:

(a) if the child care services are being provided in the principal residence of the family child care provider or group family child care provider:

(i) children who reside at those premises; and

(ii) all children who are receiving care and supervision in those premises at the relevant time, including children of the provider and children of any person assisting the provider; and

(b) if the child care services are being provided in a residence other than the principal residence of the family child care provider or group family child care provider, all children who are receiving care and supervision in those premises at the relevant time, including children of the provider and children of any person assisting the provider.

(5) Compliance with subsections (1) to (4) does not relieve any person from the requirement to comply with any further restriction set out in the regulations respecting numbers of children.

**Explanation**

(a) Section 6 is repealed and replaced to include subsection 6(6) after subsection 6(5) enforcing the number of children receiving care in an alternative child care services centre does not exceed the limit.

**(6.6)** No person shall provide child care services to more than the prescribed number of children at any one time in an alternative child care services centre.

**Explanation**

(b) Section 6 is repealed and replaced to include subsection 6(7) after subsection 6(6) enforcing the number of children receiving care in a licensed preschool does not exceed the limit.

**(6.7)** No person shall provide child care services to more than the prescribed number of children at any one time in a licensed preschool.

**Explanation**

(c) Section 6 is repealed and replaced to include subsection 6(8) after subsection 6(7) detailing the regulations are still to be followed.

**(6.8)** Compliance with subsections (1) to (7) does not relieve any person from the requirement to comply with any further restriction set out in the regulations respecting numbers of children.

**6. New section**

New section 7.1(1) added after section 7.

**Explanation**

Section 7 details the operational and licensing conditions for child care centres.

New section 7.1(1) outlines the operational and licensing requirements for preschools. The following definition has been added:

**“other facility”** to include

- (a) an unlicensed family care home;
- (b) an unlicensed preschool.

**7. New Section**

New section 7.1(2) added after subsection 7.1(1)

**Explanation**

New section 7.1(2) outlines the application requirements to licence a preschool.

**8. New Section**

New section 7.1(3) added after subsection 7.1(2)

**Explanation**

New section 7.1(3) gives further details that a person may not apply for a licence to operate more than one facility at a time.

**9. New Section**

New section 7.1(4) added after subsection 7.1(3)

**Explanation**

New section 7.1(4) states a municipality, co-operative, or corporation does not apply to subsection 7(3).

**10. New Section**

New section 7.1(5) added after subsection 7.1(4)

**Explanation**

New section 7.1(5) states that a shareholder of a corporation that has an interest in the operation of the preschool is not included in subsection (3).

**11. New Section**

New section 10.1 after section 10

**Explanation**

New section 10.1 addresses parental involvement in licensed preschools.

**12. Existing Provision**

**Information requested by the minister**

**23(1)** The minister may:

(a) request from a licensee any information that the minister may require for the purposes of this Act and the regulations; and

(b) specify the manner in which and time within which that information is to be provided.

(2) No licensee shall fail to provide to the minister, in the manner and within the time specified by the minister, any information or material respecting the licensee or the facility that the minister requests pursuant to subsection.

**Explanation**

New subsections 23(3) and 24(4) after subsection 23(2). There are requirements in the agreement with the federal government to share information and personal information may be provided the minister upon written consent of the parent.

**8. Existing Provision**

**34** This Act comes into force on proclamation.

**Explanation**

This Act comes into force by order of the Lieutenant Governor in Council.

**Prepared by the Ministry of Education**