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August 18, 2010

Doreen Cowin
Executive Director
Child Care Providers Resource Network
30 Colonnade Rd., Unit 275
Ottawa, Ontario
K2E 7J6

Dear Ms. Cowin:

Thank you for your telephone call and your email, dated August 5, 2010. I appreciate that you have taken the time to write our ministry for clarification regarding visits among caregivers and the children in their care.

As you are aware, the *Day Nurseries Act* (the "Act") and the Regulations thereunder regulate the operation of day nurseries and private-home day care agencies in Ontario.

The *Act* allows a person to care for a maximum of five children (other than the provider's own children in the provider's own residence) under the age of ten without a licence. This is the maximum number of children who can be in care at any time without a licence, regardless of the number of adults present. Thus, children who are ten years of age and over, and the caregiver's own children who are living in the home at which care is being provided, are not included in the total.

If one caregiver brings the children in her care to the home of another caregiver resulting in a total of more than five children under the age of ten, who are not of common parentage, (and excluding the children who live in the hosting residence), a licence is required under the *Act*.

The definition of "day nursery" under the *Act* states as follows,

"day nursery" means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding 24 hours where the children are under the age of 10 years.

As you will note from the definition, the *Act* specifically refers to *the premises that receives the children*. Where a caregiver chooses to host other caregivers and their charges, the hosting location is the premises that receives the children. Children who ordinarily live at that location are not received there. However, any other child who is under 10 years of age will be counted.

This is not the case where caregivers and their charges meet in public places, such as a park, the zoo, the library, etc., because the primary purpose of those premises is not to provide care. It is therefore recommended that child care providers who wish to visit with other caregivers and their charges do so in public places, such as the library or local parks.

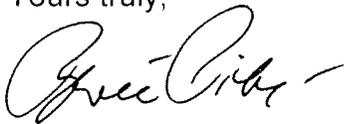
Every host caregiver must be cognizant of the number of children she is receiving. This is also true for a private-home day care provider who is associated with a licensed “private-home day care agency” since there is a limit on the number of children that can be in care at any one time at any one premises pursuant to the definition of “private-home day care” and “private-home day care agency”¹ as well as the definition of “day nursery” under the *Day Nurseries Act*.

Please note that there are also limitations with respect to the ages of children under six years of age for a private-home day care provider associated with a private-home day care agency. These limitations are found in s.56(1) of the General Regulation under the *Act*.

Should you require further information or have any questions or concerns, please contact our office at 613-787-5279. Information about the *Day Nurseries Act* and the requirements for licensed child care is available at the *Day Nurseries Act for Child Care Supervisors of Ontario* website at www.childcarelearning.on.ca. The *Day Nurseries Act* can be found at www.e.laws.gov.on.ca.

Please share this letter with the members of your network.

Yours truly,



Renée Piché
Manager, Program Compliance and Review
Eastern Region

¹ “private-home day care” means the temporary care for reward or compensation of five children or less who are under 10 years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding 24 hours”

“private-home day care agency” means a person who provides private home day care at more than one location