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Charges laid in 2017 death of toddler at unlicensed east Vancouver daycare

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Susy Yasmine Saad, 41, appeared in court on Wednesday and is charged with two counts of failure to provide the necessaries of life and one count of fraud over \$5,000. Macallan Wayne Saini was just 16 months old when he was found unresponsive in a playpen at an unlicensed and unregistered daycare.

Stephanie Ip, Susan Lazaruk

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A woman has been charged in the 2017 death of a toddler found unresponsive in a playpen at an illegal east Vancouver daycare. Macallan Wayne Saini (pictured) was just 16 months old when he was found unresponsive in a playpen at an unlicensed and unregistered daycare.

Submitted / Vancouver Sun

Parents of Baby Mac, who died at an East Vancouver daycare more than three years ago in a case police called “gut-wrenching,” say they are relieved the daycare operator has been charged.

Sixteen-month-old Macallan Wayne Saini, son of Shelley Sheppard and Chris Saini, died on Jan. 18, 2017, inside an unlicensed and unregistered daycare on Kitchener Street near Commercial Drive.

Yasmine (Susy) Saad, 41, has been charged with two counts of failing to provide the necessaries of life and with one count of fraud over \$5,000, Vancouver police said Thursday.

“Shelley and Chris are pleased and relieved to know that criminal charges have finally been brought against Ms. Saad relating to the horrific and preventable death of their infant son, Macallan, while he was in Ms. Saad’s custody,” John Rice and Tony Leoni, their lawyers in a lawsuit against Saad, said in an email.

“Criminal proceedings, though, will never bring Baby Mac back home to them,” the lawyers said. “Given that there are now concurrent criminal and civil proceedings before the courts, the

Saini family has no further comments at this time.”

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After the death, Baby Mac’s parents and others called for changes to the daycare system, resulting in a searchable database that a non-profit child care advocate said doesn’t go far enough.

“We don’t want our sweet boy’s death to have been in vain,” Sheppard and Saini wrote in 2017. “The daycare system in British Columbia needs massive reform.”

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“The details of this file are just gut-wrenching,” said Const. Tania Visintin. “Investigators have worked diligently since this terrible incident occurred to ensure the person accused would be held responsible.

“As nothing can take away the pain of losing a child, we hope the family can find some closure knowing that charges have been laid.”

Visintin said the fraud charge was related to elements of deceit

involving the operation of the daycare and how it was presented to a number of other families whose children were enrolled. She could not elaborate.

When asked why the investigation had taken more than 3½ years, Visintin said investigators had initially presented a number of different charges to Crown counsel and were in communication over which charges would be most effective and had a higher likelihood of conviction.

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“The threshold was different for each charge, there were certain elements needed to be met for all these different charges now that were presented,” said Visintin. “So investigators did have to go back and look for other evidence, so all of that took time.”

In September 2018, Sheppard filed a lawsuit alleging negligence by Vancouver Coastal Health, the ministry of children and family development, Saad, and the owners of the property.

The suit described how Sheppard arrived that day to find a fire

truck outside. She followed a firefighter inside where she alleges she found the daycare to be overcrowded with children, including one who Saad had hidden behind a couch and other children strapped to chairs, the suit says.

Sheppard followed the firefighter upstairs where she saw her dead son lying on the floor, his skin grey, after he had apparently been left unattended and choked on an electrical cord, the suit says.

B.C. requires anyone caring for more than two children not related to them to obtain a licence.

Since the death, the province created a searchable database of licence-not-required child care providers — those with two or fewer children or exempt from licensing regulations — with any complaints against them, to provide “information regarding facilities which have been substantiated to be in contravention” of provincial law, according to the health ministry’s website.

It has 63 daycares listed but some of them have since complied with regulations and are no longer in contravention.

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“These service providers are not monitored or regulated,” it says.

“As such, they may present an increased risk to the health and safety to those who receive services from them.”

It adds this: “If a daycare isn’t on the list, it means there have been no complaints against it, they have only one or two children unrelated to the operator, they are exempt or they may be licensed (and be included on a list of licensed facilities), it said.

The website says: “Disclaimer: Although efforts are made to ensure the accuracy of this information, the ministry is not liable for any losses or damages arising from the use of any information accessed within or through this website.”

Pam Preston, executive director of Westcoast Child Care Resource Centre, a non-profit, government-funded agency that helps parents find daycare at no charge to the parents, said the databases were designed to help parents learn more about a daycare.

“This was a solution to help parents to monitor these complaints in a place that was theoretically publicly accessible,” she said.

But she said because a daycare isn't listed "doesn't mean it doesn't have a problem. It may mean it's because no one has complained about it."

Also, an operator could change its business name or open in a different health region (the daycares are listed in the five different health authorities) and it doesn't list whether the facility had been inspected or had proper insurance or if its staff had training, first aid or criminal record checks.

But she said the database is an improvement because "before we never had anything, but now we have something." But "I'm not sure how helpful it is for the parent on the ground."

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