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DEBT COLLECTION & DEBT REPAYMENT CLAIM FORM

CLAIMANT	LICENSEE (collection agent/bailiff/debt repayment agent)
Name:	Name of Licensee:
Claimant Type - Business <input type="checkbox"/> or Individual <input type="checkbox"/>	Collection Agent <input type="checkbox"/> Bailiff <input type="checkbox"/> Debt Repayment <input type="checkbox"/>
Address:..... City.....Prov..... Postal Code.....	Business Address:..... City.....Prov..... Postal Code.....
Phone Number:..... Fax Number:..... Email	
Amount of Claim \$CAD <input type="checkbox"/> U.S. <input type="checkbox"/>	(Office Use Only) Date of Closure:

1. Type of Claim – failure of licensee to remit funds collected failure of licensee to account for funds collected
2. Briefly describe the nature of the loss: _____

3. For a claim based on a failure to remit funds collected from a debtor, please list names of debtors involved and the amount each paid to the collection agent or bailiff that was not remitted (if more than 3 debtors, attach a schedule);

Debtor Name Amount \$.....Phone Number (.....)-

Debtor Name Amount \$.....Phone Number (.....)-

Debtor Name Amount \$.....Phone Number (.....)-

4. For a claim based on a failure of a debt repayment agent to forward funds collected to creditors, please list names of creditors involved and the amount each should have been paid by debt repayment agent (if more than 3 creditors, attach a schedule);

Creditor Name Amount \$.....Phone Number (.....)-

Creditor Name Amount \$.....Phone Number (.....)-

Creditor Name Amount \$.....Phone Number (.....)-

Why do you believe the funds detailed above were either not remitted or forwarded?

What commission rate would otherwise be applicable to the collections made but not remitted% or \$.....

5. For a claim based on a failure to account for funds collected, please indicate when the last accounting was received:

Date or never received one

Have you made a formal, written demand for remittance of the funds owed and/or for an accounting of the funds collected, as permitted to you under Section 126 (3) of the *Business Practices and Consumer Protection Act*?

No or Yes Date of Demand

6. What was the date of the last communication you had with the licensee regarding this dispute

7. Provide any further information you have that supports your claim: _____

A CLAIM CANNOT BE PROCESSED WITHOUT APPROPRIATE SUPPORTING DOCUMENTS

PLEASE CHECK AND ATTACH ALL OF THE FOLLOWING THAT APPLY:

- 8. This claim form, fully completed and signed
- 9. Copy of the contract with the licensee (if any) or check the following box if no written contract exists
- 10. Copy of most recent remittance notice or accounting received from the licensee (if any)
- 11. Proof of all collections made on your behalf by the licensee but not remitted to you (paid cheques, bank statements, statements from debtors, etc.)
- 12. Copy of any judgments you received against the licensee regarding the unremitted collections
- 13. Other _____
- 14. Other _____

RELEASE AND UNDERTAKING OF CLAIMANT

I/We, the claimant(s), hereby confirm that I/We have suffered the loss set out above and have not received payment or reimbursement of the said claim from any source and that I/We have not released or discharged the said claim, or any part thereof, against any other person or corporation and covenant that I/We will furnish the Director with all papers and information in my/our possession respecting the claim.

In the event of receiving payment from the Director, I/We hereby discharge and forever release the said Director from all further claims and demands of the said loss and damage;

Signature of Claimant

Signature of Claimant

Please Print Name

Please Print Name

Date

Date

Instructions for submitting a claim against the security held for a licensed Collection Agent, Bailiff or Debt Repayment Agent

This claim form may be used by a creditor or debtor.

The following information may be helpful to you when completing and supporting your claim:

1. The amount of security available to satisfy claims is limited to the amount of security the licensee provided to the director under the provisions of the Debt Collection Industry Regulation. That amount is based on the total annual collections of the licensee during its last fiscal year. In addition, there is a regulatory minimum amount of security of \$10,000 and a maximum amount of \$50,000;
2. The Regulation allows claims to be made for up to 2 years after the failure of default occurred. For this reason, claims are not generally settled until after the end of the claim limitation period and the total amount of eligible claims is known. If more eligible claims are received than the amount of security held, the claims are settled on a pro-rated basis;
3. Eligible claims made by creditors against collection agents and bailiffs are settled on a net basis. The amount paid is the amount collected by the collection agent or bailiff and not remitted to the creditor LESS the commissions earned by the collection agent or bailiff, but subject to the amount of security available;
4. Claims from debtors against debt poolers are settled on a gross basis. The amount paid to the debt pooler but not distributed to the debtor's creditors is the amount paid, again subject to the maximum amount of security available;
5. Claims from either party should be supported with documentary evidence. If possible please provide the following:
 - Debtor cheques, money orders, etc, drawn in favour of and negotiated by the collection agent, bailiff or debt repayment agent;
 - Debtor bank statements or credit card statements showing transactions of the above or pre-authorized debit payments or credit payments to the licensee;
 - For claims against a collection agent and bailiff, written statements from the debtors setting out the payments they made to the licensee;
 - For claims against a debt repayment agent, statements from the debtor's creditors indicating the payments received from the debt repayment agent on behalf of the debtor;
 - Remittance notices, periodic accounting statements, etc. from the licensee to either the creditor or debtor detailing payments received by the licensee;
 - Previous evidence of the above that shows a previous pattern of payments by the debtor, if applicable;
6. Copies of contracts between the creditor/debtor and the licensee. If the agreement was oral, the fees and commissions allowed the licensee under the agreement;
7. For creditor claims against a collection agent or bailiff, the latest remittance statement received from the collection agent or bailiff;
8. For debtor claims against a debt repayment agent, the latest accounting received from the debt repayment agent and the listing of creditors involved in the debt repayment scheme;
9. Aggregate claims must be specific as to the individual amounts and dates involved in the total claim;

The claim adjudication process usually involves only the exchange of documents. However, we require that all documents be addressed to us and sent to our office. We will forward them to the other party. For this reason, please be advised that a copy of your claim, together with any accompanying support you provide, will be given to the licensee for review and comment. In return, the licensee's reply will be shared with you. This process will be repeated until the director feels that both parties have been granted the opportunity to fairly present their respective positions and evidence. A hearing, either in person or by teleconference call, will only be convened if the director believes it is necessary. We usually allow the party receiving a submission 3 weeks to review and reply to it.

The director's decision will be communicated in writing to both parties. Because of the possible 2-year wait until a claim can be paid, please ensure you advise us of any changes in your contact information.

The completed and signed claim should be mailed to the following address:

Business Practices
Consumer Protection BC
PO Box 9244
Victoria BC V8W 9J2