CONSUMER PROTECTION BC

NOTICE OF ADMINISTRATIVE PENALTY

IN THE MATTER OF

Business Practices and Consumer Protection Act, S.B.C. 2004 c. 2

Respondent: **Wiebe & Jeske Burial & Cremation Care Providers Ltd**

Adjudicator: **Sean Sisett, Senior Compliance Inspector**

Date of Order: **April 10, 2012**

REQUIREMENTS OF THE ADMINISTRATIVE PENALTY

1. Pursuant to section 166(1) and in the exercise of my authority under section 164(1) of the *Business Practices and Consumer Protection Act ("Act")*, I hereby serve notice of administrative penalties in the following amounts on Wiebe & Jeske Burial & Cremation Care Providers Ltd (license #23513):

   i. For the contravention of failing to have a written acknowledgement from the consumer that the consumer has received the information required by section 35 of the *Act* in a preneed funeral services contract on January 5, 2012 contrary to section 36(1)(d) of the *Act*, a $100.00 administrative penalty.

   ii. For the contravention of failing to have a written acknowledgement from the consumer that the consumer has received the information required by section 35 of the *Act* in a preneed funeral services contract on January 9, 2012 contrary to section 36(1)(d) of the *Act*, a $100.00 administrative penalty.

   iii. For the contravention of failing to have a written acknowledgement from the consumer that the consumer has received the information required by section 35 of the *Act* in a preneed funeral services contract on January 9, 2012 contrary to section 36(1)(d) of the *Act*, a $100.00 administrative penalty.

   iv. For the contravention of failing to have a written acknowledgement from the consumer that the consumer has received the information required by section 35 of the *Act* in a preneed funeral services contract on January 10, 2012 contrary to section 36(1)(d) of the *Act*, a $100.00 administrative penalty.

PAYMENT OF THE ADMINISTRATIVE PENALTY

These administrative penalties must be paid no later than 30 days from the date on which this notice is served or, if the person requests reconsideration, within 30 days after the date on which the decision of the director respecting the reconsideration is served, pursuant to section 167 of the *Act*.

If the person(s) named above fail to pay an administrative penalty as required under the *Act*, Consumer Protection BC will file a certified copy of the notice imposing the administrative penalty with the Supreme Court and initiate proceedings to recover the penalty as if it were a judgment of the court.

The *Business Practices and Consumer Protection Regulations* require that Consumer Protection BC add an additional 10% to the amount of the penalty prior to filing with a court.

RECONSIDERATION OF THE ADMINISRATIVE PENALTY

The person(s) named above may request a reconsideration of a notice imposing an administrative penalty under section 181 of the *Act*.

The reconsideration request must be in writing, must identify the error believed was made or other grounds for reconsideration, must be submitted within 30 days of this notice, and must be accompanied by the reconsideration application fee.

Consumer Protection BC will only allow a reconsideration of an administrative penalty where the person(s) can demonstrate that new evidence has become available or been discovered that (a) is substantial and material to the determination, and (b) did not exist at the time of the review or did exist at that time but was not discovered and could not through the exercise of reasonable diligence have been discovered.

The decision made with respect to the reconsideration is final and my not be reconsidered. Information on the reconsideration process can be found at www.consumerprotectionbc.ca

All correspondence, including any request for reconsideration, should be addressed to:

Consumer Protection BC
Attn: Director
307 – 3450 Uptown Blvd., Victoria BC, V8Z 0B9

April 10, 2012

Sean Sisett Date

Method of Service: Registered Mail