
COMPLIANCE ORDER

IN THE MATTER OF

***THE BUSINESS PRACTICES AND CONSUMER PROTECTION ACT [SBC 2004] c. 2 and
THE CONSUMER CONTRACTS REGULATION***

Respondent: CARE Funeral Services (Vancouver Island) Ltd.

Adjudicator: Robert Penkala

Originally issued: July 15, 2020

Amended: September 8, 2020

****NOTICE OF AMENDMENT****

Requirement #1 of the original Order is hereby amended to specify the provision of “reports” in accordance with the Decision of the Director dated July 15, 2020, rather than “contracts” (as previously stated). Requirement #5 is hereby amended to permit an extension of time for the Respondent’s payment of costs.

CONTRAVENTION

In a decision of the director dated July 15, 2020 the respondent was found to have committed the following contravention:

failing to submit funeral services preneed contract reports to Consumer Protection BC in accordance with section 10 (1) of the Consumer Contracts Regulation.

REQUIREMENTS OF THE ORDER

1. The respondent must deliver to Consumer Protection **within 21 days of service of this Order**, completed preneed funeral services reports for business years 2018 and 2019 in accordance with the requirements of section 10 (1) of the Regulation.

2. To ensure complete and consistent reporting, the respondent must use existing Consumer Protection BC resources designed for funeral services licensees in respect of their “section 10 (1)” obligations.
3. The respondent must use such forms or templates as are available to licensees for the above purpose. It may use the Excel templates or worksheets sent to it via email by the Business Practices office on September 6, 2019, or follow the guidance and use the online tools accessible to licensees online at the following web address:
<https://www.consumerprotectionbc.ca/get-keep-licence/funeral-services/know-your-obligations/>
4. Except with the express prior written permission of Consumer Protection BC, any failure to provide the information as to the stated time for compliance and completeness of the reports is a breach of the terms of this Order.
5. The Respondent is ordered to reimburse Consumer Protection BC the amount of **\$700** for its inspection costs in this matter, to be paid **within 21 days of service of this order** to the respondent.

RECONSIDERATION (APPEAL)

Under section 181 of the Act, the Respondent may apply for reconsideration of this Order within 30 days of receiving it. The Director may extend time for the request if special circumstances exist. The application must be in writing and identify the error the applicant believes has been made or other grounds for reconsideration.

The Director may vary or cancel an Order only if new evidence has become available, that:

- is substantial, and material to the Order; and,
- did not exist at the time of the original decision or did exist but could not have been discovered at that time through the exercise of reasonable diligence.

Payment of a \$252 application fee must be submitted with the request for reconsideration, which will be refunded if the reconsideration results in cancellation of the original determinations.

A decision on reconsideration is final and may only be judicially reviewed. Information about the reconsideration process can be found at www.consumerprotectionbc.ca

A request for reconsideration must be addressed to:

Consumer Protection BC
Attn: Shahid Noorani, Vice President Regulatory Services
200 – 4946 Canada Way, Burnaby, BC V5G 4H7
shahid.noorani@consumerprotectionbc.ca

SUMMARY

The Respondent is required to comply with this Order and, if requested by this office, provide proof of compliance. Failure to comply with this Order may result in the imposition of an administrative penalty of up to \$5,000 on an individual and up to \$50,000 on a corporation.

This Order may be filed in British Columbia Supreme Court and once filed is deemed an Order of the Court and enforceable as such.



Robert Penkala, Mgr., Enforcement Hearings

September 8, 2020

Date

Method of Service: email