



**CONSUMER
PROTECTION BC**

COMPLIANCE ORDER

IN THE MATTER OF

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

Respondent: Marina's Swim School Corp.

Adjudicator: Robert Penkala

Date of Order: October 6, 2020

CONTRAVENTION

In a decision of the Manager of Enforcement Hearings, dated October 4, 2020, the respondent is found to have contravened the Act by:

Failing to provide a refund for unused services to a consumer within 15 days of his cancellation of a continuing services contract for material changes in the supplier's services, contrary to section 25 (6) of the Business Practices and Consumer Protection Act.

REQUIREMENTS OF THE ORDER

Pursuant to section 155 (3) and (4) (a) and (d), the respondent shall:

1. Within 15 days of service of this Order pay to the complainant [*privacy redaction*] restitution of **\$748.44** for the prorated refund to which he is entitled (subject of the complaint in case #30893).
2. Within **30 days** of delivery of this Order, pay Consumer Protection BC's inspection costs for the investigation (inspection) of this matter, in the amount of **\$500**.

RECONSIDERATION (APPEAL)

Under section 60 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 determination.

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 upon request 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, Adjudicator

October 6, 2020

Date