



**CONSUMER  
PROTECTION BC**

CERTIFIED A TRUE COPY

JAN 20, 2021

## NOTICE OF ADMINISTRATIVE PENALTY

**NICHOLAS A. MOSKY**  
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VICTORIA, B.C. V8W 1T4  
(250) 385-4311

IN THE MATTER OF

THE BUSINESS PRACTICES & CONSUMER PROTECTION ACT [SBC 2004] c. 2

**Respondent: CARE Funeral Services (Vancouver Island) Ltd.**

**Adjudicator: Robert Penkala**

**Date of Notice: November 18, 2020**

SUPREME COURT  
OF  
BRITISH COLUMBIA

**SEAL**  
VICTORIA  
REGISTRY

JAN 20 2021



### CONTRAVENTION AND PENALTY

Pursuant to section 164 (1) *Business Practices and Consumer Protection Act* I hereby serve notice on the respondent of an administrative monetary penalty of \$10,000 for:

*Failing to comply with an order made under section 155 of the Act, in contravention of section 189 (5)(c)(ii) of the Act.*

### RECONSIDERATION (APPEAL)

Under section 181 of the Act, the respondent may apply for reconsideration of this Notice 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 a penalty only if new evidence has become available, that:

- is substantial, and material to the penalty; 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](http://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](mailto:shahid.noorani@consumerprotectionbc.ca)

**PAYMENT OF THE ADMINISTRATIVE PENALTY**

Pursuant to section 167 of the Act, this penalty of \$10,000 must be paid by no later than 30 days from the date on which this Notice is served or, if the respondent requests reconsideration, within 30 days after the date on which the decision of the director respecting the reconsideration is served.

If the respondent fails to pay the penalty, Consumer Protection BC may file a certified copy of this Notice with the Supreme Court or Provincial Court and initiate proceedings to recover the penalty as if it were a judgment of the court.

Before filing the Notice in court, Consumer Protection BC must impose an additional penalty equal to 10% of the unpaid penalty.



Robert Penkala, Mgr., Enforcement Hearings

November 18, 2020

Date

Service by email.