



COMPLIANCE ORDER

IN THE MATTER OF

THE BUSINESS PRACTICES & CONSUMER PROTECTION ACT, S.B.C. 2004 c. 2

Respondent: Clinton Fox

Adjudicator: Shahid Noorani, Vice President

Date of Order: March 29, 2021

In accordance with notice requirements under section 155 of the *Business Practices and Consumer Protection Act* ("BPCPA"), the respondent has been found to have committed a contravention to section 189(5) of the BPCPA by failing to provide information required under the BPCPA, specifically to an inspector exercising inspection powers under section 150(1).

Pursuant to section 155(4) of the *BPCPA*, this Compliance Order requires that the respondent:

1. While licensed by Consumer Protection BC to engage in the designated activity of "home inspector," the respondent must maintain an active electronic email address where documents required or permitted under the BPCPA can be given or served to the respondent.
2. By April 16, 2021, the respondent either: confirm its current active electronic email address (info@assurepropertysolutions.com) is the electronic email address to be used to give or serve documents to the respondent as permitted under the BPCPA; or alternatively provide Consumer Protection BC with another active electronic email address where documents required or permitted under the BPCPA can be given or served to the respondent.
3. Until such time as the respondent makes the electronic email address confirmation or provides an alternate electronic email address, as described in paragraph 2 of this Order, the respondent must maintain the current electronic email address already provided by the respondent to Consumer Protection BC (info@assurepropertysolutions.com) for the service of documents, as permitted under the BPCPA.

4. Any termination, alteration or other change to the electronic email address that has been confirmed or at any time provided by the respondent to Consumer Protection BC under item 2 of this Order must be reported to Consumer Protection BC within 2 business days of the termination, alteration, or other change. At the time of reporting a termination, alteration of other change to provided electronic email address, the respondent must provide Consumer Protection BC with the electronic email address for Consumer Protection BC to use when giving or serving documents, as permitted under the BPCPA.

RECONSIDERATION PROCESS

Section 181 of the BPCPA provides, in part, that a person may request a reconsideration of a compliance order.

The request must be in writing and identify the error believed was made or other grounds.

Section 182 of the BPCPA provides that the Director may reconsider determinations and may confirm, vary, or cancel a determination. A decision to vary or cancel a determination may only be made if the Director is satisfied that new evidence has become available or has been discovered that:

- is substantial and material to the determination, and
- did not exist at the time of the review or did exist at that time but was discovered and could not through the exercise of reasonable diligence have been discovered.

Pursuant to section 181(1) of the BPCPA, a person may request the Director to reconsider a determination within 30 days of receiving the order, or within a time period specified by the director if any special circumstances exist.

There is a \$252.00 (two hundred fifty-two dollar) reconsideration application fee which must be submitted with the request for reconsideration. The fee will be refunded to the applicant if the reconsideration results in the full reversal of the decision.

A decision on reconsideration is final and may only be judicially reviewed.

Information on the reconsideration process can be found at www.consumerprotectionbc.ca

A request for reconsideration should be addressed to:

Consumer Protection BC
Attn: Director
200 – 4946 Canada Way
Burnaby, B.C. V5G 4H7

SUMMARY

The respondent is required to comply with this Order made under the BPCPA, and, at the request of this office, provide proof of compliance with the Order. If the respondent does not comply with this Order, the director may impose an administrative penalty of not more than \$5,000.00 on an individual and/or not more than \$50,000.00 on a corporation.

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



Shahid Noorani
Vice President

March 29, 2021

Date

Method of Service: email