



COMPLIANCE ORDER

IN THE MATTER OF

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

Respondent: Adam McNaughton aka Decks4Life.com

Adjudicator: Shahid Noorani, Vice President

Date of Order: April 12, 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 the following contraventions:

1. Section 23(3) of the BPCPA - failing to provide the consumer with a copy of the future performance contract within 15 days of the contract being entered into with the consumer.

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

1. *Within 30 days of the date of this Compliance Order, reimburse K.E. \$2,750.00, constituting the deposit money paid by K.E. to the respondent under a future performance contract entered into on September 6, 2019.*
2. *Within 30 days of the date of this Compliance Order, pay Consumer Protection BC \$450.00 as reimbursement for the costs of the inspection related to this matter.*

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 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

April 12, 2021

Date

Method of Service: email