



## UNDERTAKING

**Pursuant to Section 56 of the *Cremation, Interment and Funeral Services Act*  
and  
Section 154 of the *Business Practices and Consumer Protection Act***

THIS UNDERTAKING is made with an effective date of December 06, 2021

Between

**Amherst Funeral and Cremation Services Inc.,**

And

**Consumer Protection BC ("the Director")**

### **WHEREAS:**

- A. Having regards to the arrangement of funeral services within the meaning of the *Cremation, Interment and Funeral Services Act* ("CIFSA") and the *Cremation, Interment and Funeral Services Regulation* ("CIFSR")
- B. The Respondent Amherst Funeral and Cremation Services Inc. ("the Respondent" or "Amherst"), is a licensed funeral provider (licence number 15882), conducting business at #1209 – 207 West Hastings Street, Vancouver, BC, V6B1H7
- C. In a Warning Letter dated December 8<sup>th</sup>, 2020 from a Consumer Protection BC inspector, the Respondent was made aware that an Amherst employee had contravened the CIFSA section 55(1)(d) prohibition against acting as a funeral director without a licence. The Warning letter specifically named the Executive Director of Amherst as the employee subject to the allegation in the Warning Letter.
- D. On September 27, 2021 a complaint was filed with Consumer Protection BC alleging an employee of Amherst was acting as a funeral director without being licensed to do so under the CIFSA. The complaint named the Executive Director of Amherst as the person acting as a funeral director without a licence to do so.
- E. An inspection into the complaint regarding the above breaches was conducted by a Consumer Protection BC inspector on October 12<sup>th</sup>, 2021.

- F. The Inspector found credible information the Respondent breached Section 55(1) of the CIFSA when an employee of the Respondent acted as a funeral director when discussing, arranging, and communicating with consumers about the provision of funeral services and when making arrangements for services related to the interment or cremation of human remains.
- G. Under authority of CIFSA 56(2) and BPCPA 154(1) to (3), the Director will terminate the proceedings commenced by the Inspector against the Amherst upon acceptance of this Undertaking.

**NOW, THEREFORE, the Respondent undertakes and agrees with the Director:**

1. Under CIFSA 2(4), Amherst was responsible to ensure the provision of funeral services on its behalf be done in accordance with the CIFSA and CIFSR.
2. Amherst is responsible for allowing its Executive Director (not a licensed funeral director) to make and facilitate arrangements for the interment and cremation of human remains through population of terms into funeral contracts and when meeting with authorized representatives for deceased persons in the absence of a funeral director.
3. Amherst recognizes it is responsible for allowing past incidents of non-compliance with CIFSA 55(1)(d) by its Executive Director.
4. Unless they are a licensed funeral director or apprentice funeral director, no Amherst employee or agent will be permitted to communicate about any of the following with deceased family members or persons authorized to control the disposition of human remains, prior to a written funeral contract being entered into between a consumer and Amherst:
  - a. The description, price or other component feature of any funeral service offered by Amherst.
  - b. The supply of any good or service usually required or provided for in a funeral contract.
5. Unless they are a licensed funeral director or apprentice funeral director, no Amherst employee or agent will be permitted to attend any scheduled meeting with a consumer, family member or other person authorized to control the disposition of human remains, where funeral services are discussed prior to a written funeral contract being entered into between a consumer and Amherst.
6. Within **7 days** of the date of this Undertaking, to pay to Consumer Protection BC partial inspection costs in the amount of **\$537.91**.

7. This Undertaking is binding on the Respondent until terminated either by the Director or by Order of the Supreme Court of British Columbia.
8. That in addition to rendering the Respondent liable to further penalties and proceedings as provided for under the CIFSA or BPCPA, it is an offence under the CIFSA to fail to comply with any part of this Undertaking that has not previously been terminated.
9. That any communication with the Director in connection with this Undertaking shall be made to the following:

Sean Sisett, Director, Inspections & Case Management  
Consumer Protection BC  
200 – 4946 Canada Way  
Burnaby, BC V5G 4H7  
Ph. (604) 296-2858  
Fax: (604) 320-1663  
sean.sisett@consumerprotectionbc.ca

And in the case of the Respondent to the following address:

Amherst Funeral and Cremation Services Inc.  
#1209 – 207 West Hastings Street  
Vancouver, BC,  
V6B 1H7

unless another address for delivery is given to the other party, in writing, by either the Director or the Respondent.

DATED this 06 day of December 2021



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**Sean Sisett**  
**Director - Inspections & Case Management**  
**Consumer Protection BC**



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**Scott McFarlane**  
**Amherst Funeral and Cremation Services Inc.**