



NOTICE OF ADMINISTRATIVE PENALTY

IN THE MATTER OF

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

**Respondent: Simply Green Home Services Inc. &
 Simply Green Home Services (BC) Inc.**

Adjudicator: Ken D. Garley, Enforcement Inspector

Date of Order: June 15, 2016

CONTRAVENTIONS AND PENALTY

Pursuant to section 166(1) of the *Business Practices and Consumer Protection Act* (the "Act"), I hereby serve notice of the following administrative penalties on the Respondent:

1. For engaging in deceptive acts or practices against R. & C. P. (representing that a \$250 Fortis rebate was available and would be given to them when no such rebate was available), contrary to section 5(1) of the Act, an administrative penalty of \$100.00 (one hundred dollars) on Simply Green Home Services Inc. and Simply Green Home Services (BC) Inc.;
2. For engaging in deceptive acts or practices against R. & C. P. [misrepresenting cancellation rights by representing that a consumer transaction involves or does not involve rights, remedies or obligations that differs from the fact as per section 4(3)(b)(iv) of the Act], contrary to section 5(1) of the Act, an administrative penalty of \$500.00 (five hundred dollars) on Simply Green Home Services Inc. and Simply Green Home Services (BC) Inc.;
3. For failing to provide information to an Inspector as required by law (the information pertaining to D. T. and the Respondent's interaction with him), contrary to section 189(5)(b) of the Act, an administrative penalty of \$300.00 (three hundred dollars) on Simply Green Home Services Inc. and Simply Green Home Services (BC) Inc.; and
4. For failing to provide information to an Inspector as required by law (the information pertaining to R. & C. P. and the Respondent's interaction with them), contrary to section 189(5)(b) of the Act, an administrative penalty of \$300.00 (three hundred dollars) on Simply Green Home Services Inc. and Simply Green Home Services (BC) Inc.

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 \$232 application fee must be submitted with the request for reconsideration, which will be refunded if the reconsideration results in cancellation of the original determinations.

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

PAYMENT OF THE ADMINISTRATIVE PENALTY

Pursuant to s. 167 of the Act, this penalty in the total amount of **\$1,200.00** must be paid 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.

Original Signed

June 15, 2016

Ken D. Garley, Enforcement Inspector

Date

Method of Service: Registered Mail