



**CONSUMER
PROTECTION BC**

NOTICE OF ADMINISTRATIVE PENALTY [AMENDED]

IN THE MATTER OF

***THE BUSINESS PRACTICES & CONSUMER PROTECTION ACT and Home Inspector
Licensing Regulation***

Respondent: Daniel Funk

Adjudicator: Tegan Scardillo

Date of Order: May 2, 2023

REQUIREMENTS OF THE ADMINISTRATIVE PENALTY

Pursuant to section 166(1) of the *Business Practices and Consumer Protection Act* (“BPCPA”), I hereby serve notice of an administrative penalty in the following amount on the respondent:

- i. For a contravention to section 189(5) of the BPCPA in refusing to provide information as required under the Act, an administrative penalty of \$3,500.00 (Three thousand and five-hundred dollars).

PAYMENT OF THE ADMINISTRATIVE PENALTY

The administrative penalty must be paid no later than 30 days from the date on which this notice is served or, if the person requests reconsideration, within 30 days after the date on which the decision of the director respecting the reconsideration is served, pursuant to section 167 of the *BPCPA*.

If the person(s) named above fails to pay an administrative penalty as required under the *BPCPA*, Consumer Protection BC will file a certified copy of this notice imposing the administrative penalty with the Supreme Court and initiate proceedings to recover the penalty as if it were a judgment of the court.

The Business Practices and Consumer Protection Regulations requires that Consumer Protection BC add an additional 10% to the amount of the penalty prior to filing with a court.

RECONSIDERATION OF THE ADMINISTRATIVE PENALTY

Pursuant to section 181 of the BPCPA, a person may request the Director to reconsider an administrative penalty within 30 days of receiving notice, or within a time period specified by the director if any special circumstances exist.


Consumer Protection BC will only allow a reconsideration of an administrative penalty where the person(s) can demonstrate that new evidence has become available or been discovered that is (a) substantial and material to the determination, and (b) did not exist at the time of the review or did exist at that time but was not discovered and could not through the exercise of reasonable diligence have been discovered. The reconsideration request must be in writing and must be accompanied by the \$272 (Two-hundred and seventy-two dollars) reconsideration application fee.

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



Tegan Scardillo

May 2, 2023

Date

Method of Service: email
