



**CONSUMER
PROTECTION BC**

DIRECT SALES PROHIBITION AND COMPLIANCE ORDER

IN THE MATTER OF

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

Respondent: Efficiency Solutions Comfort Services Inc.

Case Number: 31524

Adjudicator: Sean Hern, K.C., Delegate of the Director

Date of Order: April 3, 2024

The Respondent has been found to have contravened section 19(j) of the *Business Practices and Consumer Protection Act* (“BPCPA”) when it failed to disclose the total price of the contract on seven direct sales contracts entered into on July 27, 2021, September 29, 2021, February 26, 2021, March 1, 2022, March 24, 2023, April 14, 2023 and May 18, 2023.

PROHIBITION ORDER

Pursuant to section 156 of the BPCPA, the Respondent is prohibited from entering into direct sales contracts with consumers or soliciting consumers to enter into direct sales contracts, for three months, from the date of this order until July 3, 2024.

COMPLIANCE ORDER

Pursuant to section 155 of the *BPCPA*, the Respondent is ordered to do the following:

1. forthwith comply with s.19(j) of the BPCPA to clearly state in its direct sales contracts the total price of each contract over the term, expressed as a dollar value; and
2. reimburse Consumer Protection BC partial costs of its inspection in the amount of \$500.00. This reimbursement must be made no later than May 30, 2024.

RECONSIDERATION PROCESS

Section 181 of the BPCPA provides, in part, that a person may request a reconsideration of a direct sales prohibition order and/or 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 a direct sales prohibition order and/or a compliance order and may confirm, vary, or cancel a determination. A decision to vary or cancel a direct sales prohibition order and/or compliance order 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 \$283.00 (two hundred eighty three) 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.



Sean Hern, K.C.
Delegate of the Director

April 3, 2024
Date

Method of Service: Email