



NOTICE OF ADMINISTRATIVE MONETARY PENALTY

IN THE MATTER OF

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

Respondent: Bank of Montreal

Case Number: 31878

Adjudicator: Shahid Noorani

Date of Order: January 6, 2025

REQUIREMENTS OF THE ADMINISTRATIVE MONETARY PENALTY

Resulting from a decision dated January 6, 2025, that found the Respondent committed two contraventions of failing to comply with an Undertaking, contrary to section 189(5)(c)(i) of the *Business Practices and Consumer Protection Act* ("BPCPA"), and pursuant to notice requirements under section 166(1) of the BPCPA, I hereby serve notice of an administrative monetary penalty in the following amounts on the Respondent for the contraventions:

- (i) On March 18, 2024, failing to comply with an Undertaking that required the Respondent to submit to Consumer Protection BC a report of mortgage discharges for the quarterly period November 1, 2023 to January 31, 2024 within 45 days of the end of that quarter, an administrative monetary penalty of nine thousand dollars (\$9,000.00), and
 - (ii) On June 14, 2024, failing to comply with an Undertaking that required the Respondent to submit to Consumer Protection BC a report of mortgage discharges for the quarterly period February 1, 2024 to April 30, 2024 within 45 days of the end of that quarter, an administrative monetary penalty of eight thousand dollars (\$8,000.00).
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PAYMENT OF THE ADMINISTRATIVE MONETARY PENALTY

The administrative monetary penalty must be paid no later than 30 days from the date on which this notice is received or, if the person requests a 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 monetary penalty as required under the BPCPA, Consumer Protection BC will file a certified copy of this notice imposing the administrative monetary 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* and the *Administrative Penalties Regulations* require that Consumer Protection BC add an additional 10% to the amount of the penalty prior to filing with a court.

RECONSIDERATION PROCESS

Section 181 of the BPCPA provides, in part, that a person may request a reconsideration of a Notice of Administrative Penalty.

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 \$311.00 (three hundred and eleven 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 Notice made under the *BPCPA*. If the Respondent does not comply with this Notice may be filed in Supreme Court with an additional 10% levied to the unpaid amount. Once filed, the Order is deemed to be an Order of the Supreme Court of British Columbia and enforceable as such.



Shahid Noorani

January 6, 2025

Date