



**CONSUMER
PROTECTION BC**

COMPLIANCE ORDER

IN THE MATTER OF

THE BUSINESS PRACTICES & CONSUMER PROTECTION ACT [SBC 2004] c. 2
[the “Act”]

Respondent: Bath Time Innovations Inc.

Adjudicator: Robert Penkala

Date of Order: October 15, 2019

CONTRAVENTIONS

In a decision of the Manager of Enforcement Hearings, dated October 15, 2019 the respondent is found to have contravened the Act by:

1. failing to disclose to a consumer information required under sections 19 (e) and (i), and section 23 (2) of the Act when entering into a *future performance contract*, namely:
 - a. a detailed description of the goods and services to be supplied;
 - b. a detailed statement of the terms of payment; and,
 - c. start and end dates for the provision of goods and services
2. after receiving a written notice of cancellation from a consumer given under section 23 (5) of the Act, failing to provide a full refund within 15 days, contrary to section 27 of the Act.

REQUIREMENTS OF THE ORDER

Pursuant to section 155 (3) and (4) (a) and (d), the respondent shall:

1. henceforth disclose in its future performance contracts for renovation, installation, or home improvement services, consistent with sections 19 (e) and (i) of the Act:

- a. a detailed description of goods and services to be supplied, including specifically, at minimum, reference to manufacturers and materials for any components or fixtures included in bath or shower “packages”;
 - b. a detailed statement of consumers’ terms of payments, including agreed-upon dates or defined stages of project-completion for all deposits, installation payments, and completion of payments for the total price of the contract.
2. pay to the complainant "PS" [privacy redaction] a **refund of \$9,123.46** within 15 days of service of this Order, and in any case by no later than **November 4th, 2019**; and,
 3. within **30 days** of delivery of this Order, pay Consumer Protection BC’s inspection costs for the investigation (inspection) of this matter, in the amount of **\$750**.

RECONSIDERATION (APPEAL)

Under section 60 of the Act, the respondent may apply for reconsideration of this Order 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 an Order only if new evidence has become available, that:

- is substantial, and material to the Order; 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 \$247 application fee must be submitted with the request for reconsideration, which will be refunded if the reconsideration results in cancellation of the original determination.

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

SUMMARY

The respondent is required to comply with this Order and upon request by this office provide proof of compliance. Failure to comply with this Order may result in the imposition of an administrative penalty of up to \$5,000 on an individual and up to \$50,000 on a corporation.

This Order may be filed in British Columbia Supreme Court and once filed is deemed an Order of the Court and enforceable as such.



Robert Penkala
Manager, Enforcement Hearings

October 15, 2019

Date

Method of Service: registered mail and email