



## **DECISION OF THE DIRECTOR**

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**In the Matter of:** *Business Practices and Consumer Protection Act,*  
SBC 2004, c. 2

**Respondents:** BNW Travel Management Ltd. also doing business as Brave New World

**Licence Number:** 29120

**Case Number:** 30301

**Adjudicator:** Robert Penkala

**Date of Decision:** January 29, 2020

## **INTRODUCTION**

Consumer Protection BC is the licensing body for travel agents and wholesalers in British Columbia. As such, it administers the *Business Practices and Consumer Protection Act* (“Act”) as it relates to licensing requirements and obligations. Where businesses (or “suppliers”) violate the Act, it is authorized to impose administrative penalties, issue remedial orders, and take actions affecting licences (refusing, setting conditions, suspending, or cancelling).

BNW Travel Management Ltd., also carrying on business as Brave New World (BNW, “licensee”, or “respondent”) is a company licensed to sell travel services from premises at 211 – 439 West Broadway, Vancouver BC. In April 2019 BNW failed to provide a year-end financial statement (“financials”) to Consumer Protection BC, a requirement found in the *Travel Industry Regulation*. After several reminders and requests did not resolve the late delivery, in June 2019 Consumer Protection BC notified BNW that the outstanding financials could, subject to compliance with a final deadline, lead to a monetary penalty and licence suspension. The financials also incurred a late filing fee. Ultimately BNW did not meet the final deadline and the matter proceeded to a decision by Consumer Protection BC in which BNW was found to have violated the Regulation. As a consequence, BNW faced a monetary penalty and a licence suspension. The suspension was to begin on July 3<sup>rd</sup> and continue until the financials were submitted to and approved by Consumer Protection BC. In addition to suspending the licence pending filing of the financials, the decision

imposed a new licence condition confirming the requirement that BNW cease to operate its business during the suspension period (i.e., until the suspension was formally “rescinded”). On July 12<sup>th</sup> Consumer Protection BC notified BNW that the suspension had been lifted.

On October 22<sup>nd</sup>, 2019 Consumer Protection BC carried out an inspection at BNW’s premises and found evidence that it had carried on business between July 3<sup>rd</sup> and July 11<sup>th</sup>. On November 20<sup>th</sup> the inspector issued a “Report to the Director” alleging that when BNW undertook this activity it violated the parallel licence condition imposed with the suspension on July 2<sup>nd</sup>. Breach of a licence condition contravenes section 164 (1)(b) of the Act. Whether this contravention occurred is the subject matter of the hearing of the Report. I have been delegated by the director to decide the matter based on the evidence presented, and to exercise authorized powers of enforcement if warranted.

### **OPPORTUNITY TO BE HEARD**

Prior to any potential enforcement action under the Act, the respondent must be given an opportunity to be heard. On November 29<sup>th</sup>, 2019 I sent a letter to BNW via e-mail and by registered mail initiating a hearing based on the Report. The letter explains that the director (or delegate) must consider the licensee’s response before deciding whether the contravention occurred. It cites possible consequences if the allegations are proven. BNW delivered an email response to the Report (“Response”) on December 17<sup>th</sup>. Subsequently I extended further opportunity for BNW to respond to additional information arising in the hearing that I had disclosed after my initial notice of the hearing. On January 10<sup>th</sup> BNW provided a Response dealing with only the additional information I had disclosed. Based on the Responses, I conclude the licensee has been provided with the relevant materials and an appropriate opportunity to be heard.

### **ALLEGED CONTRAVENTIONS**

According to the Report, between July 3<sup>rd</sup> and July 11<sup>th</sup> BNW allegedly *contravened a condition placed on the licence to not engage in the designated activity of a travel agent while under a licence suspension*. More specifically, the Report states that BNW breached the condition on its licence “45 times” by processing this number of sales transactions.

### **LEGISLATION**

The following provisions of the Act and Regulation are relevant to this decision:

#### **Section 12 of the Regulation**

- (1) A licensee must submit a financial statement to the director
  - (a) for the licensee's previous fiscal period, within 90 days of the end of the fiscal period,
  - (b) when requested by the director and for the period requested by the director.

- (2) The financial statement must be in accordance with the following requirements:
- (a) be prepared in accordance with generally accepted accounting principles;
  - (b) contain the information required by the director;
  - (c) be an audited statement, if required by the director;
  - (d) [...]
- (3) [repealed]
- (4) A person who holds more than one licence may submit one financial statement that contains the information in respect of all licences held by the person.
- (5) For the purposes of the definition of "fiscal period" in section 1,
- (a) the director may approve a period other than the fiscal year or calendar year to be the fiscal period for a licensee, and
  - (b) a licensee may not otherwise change the licensee's fiscal period without the approval of the director.

### **Section 146 of the Act**

- (1) The director may
- (a) refuse to issue or renew a licence,
  - (b) suspend or cancel a licence, or
  - (c) amend, impose or rescind conditions on a licence.
- (2) Without limiting the authority of the director under subsection (1), the director may make a decision under subsection (1) if the applicant or licensee does any of the following:
- (a) contravenes this Act or the regulations;
  - (b) fails to meet or no longer meets the minimum requirements for a licence as specified in the regulations;
  - (c) contravenes a condition of a licence;
  - (d), (e) [...]

### **Section 147 of the Act**

- (1) Before the director makes a decision under section 146, the director must give the applicant or licensee an opportunity to be heard.

## Section 164 of the Act

(1) After giving the person an opportunity to be heard, the director may impose an administrative penalty on the person if the person contravenes

- (a) a prescribed provision of this Act or the regulations,
- (b) a condition of a licence,
- (c) to (f) [...]

## THE INSPECTOR'S EVIDENCE

- The Report sets out a letter from Consumer Protection BC (Business Practices) dated July 3<sup>rd</sup> 2019, giving notice to BNW of licence suspension and licence condition for failure to comply with section 12 (1) of the Regulation, to “remain in effect until rescinded by the director.” [Exhibit 1]
- The Report refers to an inspection conducted in October 2019 to “test for compliance” with the suspension and licence condition “which started on July 3, 2019 and ended on July 12, 2019.”
- The inspection turned up 45 receipts or invoices for travel services sold by BNW between July 3<sup>rd</sup> and July 11<sup>th</sup>, documented in Exhibit 3 of the Report.
- A record of email correspondence between BNW and Consumer Protection BC relating to the suspension and licence condition is included in the Report. [Exhibit 2]
  - On July 3<sup>rd</sup> Business Practices confirms that it delivered a suspension order and an “email” to BNW on the previous day;
  - BNW submits its financial statement to Business Practices on July 3<sup>rd</sup>;
  - On July 4<sup>th</sup> Business Practices informs BNW that it has reviewed the financial statement. In that email it notes “concerns” about “working capital and negative equity” and “requests” an increase in security for the licence in the amount of \$10,000;
  - The Business Practices email of July 4<sup>th</sup> concludes: “the suspension [...] remains in effect until the above-noted security requirements have been met”;
  - On July 5<sup>th</sup> (a Friday) and July 8<sup>th</sup> (Monday), BNW emails Business Practices to confirm a letter involving a “bond rider” has been sent and checking on delivery;
  - On July 9<sup>th</sup> Business Practices confirms receipt of the bond rider;
  - On July 11<sup>th</sup> Business Practices informs BNW that it had unsuccessfully tried to process payment of “outstanding fees and penalties”, stating “As a reminder, your licence [...] remains suspended” for that reason;
  - On July 12<sup>th</sup> Business Practices processed payments of the penalty and fees, stating: “I have reviewed your licence file and it appears there are no outstanding items at this time. As such, the suspension of your [...] licence has been lifted”.

## ADDITIONAL EVIDENCE IN THE HEARING

On January 8<sup>th</sup>, while conducting this hearing, I disclosed two further relevant items of evidence that came to my attention while reviewing the file. I disclosed the evidence to BNW by email in the following way, excerpted verbatim:

- My review of the evidence in this hearing leads me to query the scope of the allegation, specifically facts regarding Brave New World’s delivery of the financial statement and our office’s review and acceptance of the filing.
- Secondly, I have received information (omitted from the Report) from staff regarding service of the licence conditions on Brave New World.
- I have looked at internal notes on the licensing file for the business [and] reviewed the following note dated July 4<sup>th</sup>, 2019, recorded under the “activity” *financial review complete*:

Financials reviewed with BP Manager HM. [business information redacted by adjudicator] (see Note 6 on financial statements). Net income increase this year compared to last year. Working capital position is better than last year. Total gross sales of [business information redacted] required minimum \$25K security, which we have on hand (surety bond). BF set to review financials in 2020.”

Based on review of financials -- increase in security is required (additional \$10K).

- [...] this is the only additional piece of evidence in the hearing (i.e., not contained in the Report) about our Business Practices group's consideration of the financial statements submitted on July 3<sup>rd</sup>.
- I have observed a note on the licensing file stating that Inspector [JM] hand-delivered documents to Brave New World's office on July 2<sup>nd</sup>. The note states that the inspector informed an employee of the licence suspension and then posted a copy of the order on the door. In conversation with Inspector [JM] he told me that he also delivered a "package" of documents in addition to the suspension order. Our manager of Business Practices [HM] stated to me that she prepared the package and included her decision (dated July 3<sup>rd</sup>) on the licence suspension and corresponding licence condition.

## THE RESPONDENT’S EVIDENCE

The Response consists of a statement emailed to me by the “VP, Operations” of BNW providing the main submission in the hearing, as well as a separate email replying to my disclosure of additional evidence summarized above.

- BNW acknowledges the late filing of its 2019 financial statement. It wishes “to provide the context under which” the licensing actions of July 2<sup>nd</sup> were taken.

- BNW made “every effort” to deliver the financial statement by a deadline of June 21<sup>st</sup> imposed by Consumer Protection BC.
- On June 7<sup>th</sup> Mr Straker, a professional accountant retained by BNW, had advised that he the financial statement was ready for delivery to Consumer Protection BC.
- Mr Straker said on June 10<sup>th</sup> that he was unable to complete the filing online, however he would take the necessary steps do so “manually”.
- BNW assumed Mr Straker had taken care of the matter and “took no independent steps to follow up on the status of the filing or to provide any written correspondence” to Consumer Protection BC.
- On July 2<sup>nd</sup>, due to Consumer Protection BC’s licensing actions, BNW discovered that the financial statement had not been filed: “upon learning [this] BNW took every available step to remedy the situation”.
- In an email to BNW dated December 16<sup>th</sup>, 2019, Mr Straker admits that “deadlines were not met in circumstances where I made assurances that they had been met.”
- Mr Straker was aware of Consumer Protection BC’s June 21<sup>st</sup> deadline. After trying unsuccessfully to file the financial statement online, he received a manual form from BNW that he intended to complete. He says: “I entirely forgot to attend to the matter, in circumstances where I had assured BNW it had been completed and filed.”
- BNW concedes “that its reliance on Mr. Straker [...] without appropriate checks and balances being in place was an error and it was BNW’s responsibility to ensure the Financial Report was delivered” to Consumer Protection BC.
- BNW also “takes full responsibility that it did not comply with the July 2, 2019 License Suspension Order as particularized in the Alleged Breach.” However, it says the breach was inadvertent rather than deliberate and “not in any respect motivated by financial considerations.”
- The breach of the licence condition was due entirely to “unfortunate events and the lack of appropriate policies and procedures [...] and [the absence] of a hierarchy of authority dictating how time sensitive and critically important matter such as this are to be dealt with.”

- Among the “unfortunate circumstances” at the time of the breach of the licence condition, was that both the owner and Vice-President of BNW were out of the country “and could not be reached”.
- BNW’s failure to comply with the licence condition relates also to its “sole focus being on remedying the failure to file the Financial Report [...] in isolation of the requirement to immediately cease” operating as a travel agent.
- “BNW deeply regrets the events [...] and the outward appearance that we had no regard for the Suspension Order.” It has “every confidence [...] there will not be a repeat of what occurred.”

## ANALYSIS

### *Did the respondent fail to satisfy a licence condition made in conjunction with a suspension order requiring it to cease operating until authorized to resume?*

In my review of the Report I have determined that the evidence does not support the scope of the allegation. The inspector accepts that the licence condition was in effect between July 3<sup>rd</sup> and July 12<sup>th</sup>. He therefore alleges that all the sales of travel services (i.e., *licensed activity*) between those dates prove the breach in question, as to extent and duration. However, the correspondence in Exhibit 2 suggests that as of July 4<sup>th</sup> the Business Practices group maintained the suspension and licence condition on the basis of “concerns” about BNW’s financial security for the licence, a matter separate from the grounds cited for the suspension and condition in the notice letter of July 3<sup>rd</sup>. The evidence indicates that Business Practices confirmed receiving the security (i.e., “bond rider”) on July 9<sup>th</sup> without further communication about insufficiency of the security. Thereafter Business Practices informed BNW that the suspension and condition would remain in place until BNW paid an outstanding late filing fee and penalty (payment of the latter was in fact not due until August). Pending payment of the late filing fee of \$247 as a basis for suspension is a separate matter from the grounds stated in the notice of July 3<sup>rd</sup>.

The hearing evidence does not include an express acknowledgement from Business Practices regarding its review and acceptance of the financial statement. However, the emails between BNW and Business Practices and the note on the licensing file cited above lead me to conclude that after July 4<sup>th</sup> an unresolved violation of section 12 (1) of the Regulation was no longer the basis for the suspension and condition. The notice letter of July 3<sup>rd</sup> cites only section 12 (1) of the Regulation as the reason for the licensing actions: evidently Consumer Protection BC relied on alternative bases to continue the suspension and condition.

The evidence supports the allegation only to the extent that it applies to July 3<sup>rd</sup> and July 4<sup>th</sup>. After July 4<sup>th</sup> Consumer Protection BC kept the licence condition in effect on grounds not articulated in reference to the Act or Regulation and imposed without extending to BNW an

opportunity to be heard (as would be required in relation to new or alternate grounds for suspension or conditions being imposed). For this reason, the continuation of the condition to cease operating between July 5<sup>th</sup> to July 12<sup>th</sup> cannot properly be the basis for BNW's alleged violation of section 164 (1)(b) of the Act. Consequently, I am unable to confirm the allegation as stated in the Report. I am persuaded, however, that the Report establishes (and BNW concedes) that BNW violated the terms of the licence condition when it conducted business as a travel agent on July 3<sup>rd</sup> and 4<sup>th</sup>, 2019.

### **The Defence of Due Diligence**

The licensee is entitled to a complete defence against the allegations if it demonstrates that it took all reasonable steps to prevent the contraventions from occurring (due diligence). I find that BNW has not set out such a defence. BNW's Response is not a rebuttal of the allegation. To the contrary, it acknowledges the violation. Its submissions explain the circumstances of the late filing leading to the suspension and condition. However, they do not give an account of attempting to comply with the licence condition and avoid the contravention, as distinct from remedying the late filing of the financial statement. Those submissions are clearly relevant to and may have had a bearing on the original context in which Consumer Protection BC's decision to suspend and impose a licence condition arose. In spite of this, I do not believe the Response is exactly on point with the issue in this hearing. BNW did not at the relevant time provide its reasons for failing to meet the requirements of the Regulation. Consequently, the suspension and licence condition were, considered within their proper scope, valid and binding. Regardless of their retrospective relevance, the information in BNW's submissions was not brought to bear on the licensing actions at the time.

I do not find BNW's continuation of business activity in the face of the licence condition prohibiting it, to the degree it relates to a lack of management direction, to be consistent with due diligence. Similarly, I do not find compelling BNW's suggestion that in focusing solely on the outstanding financial statement it inadvertently neglected to comply with the cessation condition.

For the above reasons I conclude that BNW has not defended itself against the allegation or persuaded me to refrain from considering enforcement actions.

### **ENFORCEMENT ACTIONS**

As an adjudicator determining that the violations occurred as alleged, I may take one or more of the following actions:

- Issue a compliance order (under section 155 of the Act), which may direct the Respondent to:
  - stop a specified act or practice;
  - take specific actions to correct the issue; and,



- repay Consumer Protection BC the costs of this inspection.
- Impose a penalty of up to \$5,000 on an individual, or up to \$50,000 on a corporation (under section 164 of the Act), since the cited violations of the TIR are prescribed under the *Business Practices and Consumer Protection Regulation*.

I have considered each of these possible enforcement actions and determine it appropriate to make an order for payment of costs in the inspection. Further, monetary penalties are a corrective measure authorized by the Act and supported by Consumer Protection BC policy. Below I outline the basis for my discretion to issue such a penalty in this case: the circumstances referred to in the Report rise to a level of misfeasance where a monetary penalty is appropriate. Though I find the scope of the allegation to be excessive relative to the actual contravention, BNW's disregard of the condition imposed for the duration of its unresolved breach of the Regulation is a serious matter. Failure to comply with a direction to cease licensed activity is conduct that should be deterred both generally, among licensees, and specifically, with respect to BNW. While I note BNW's request for Consumer Protection BC's forbearance, I believe a monetary penalty is warranted given the nature of the violation.

### **Administrative penalty**

As per section 164 (1) of the Act, a penalty (AMP) may be imposed where a person contravenes a prescribed provision of the Act. Section 164 (1)(b) is "prescribed" for the purpose of penalty. After considering the factors under section 164 (2) of the Act (below), I have decided that an AMP is warranted for the breach of a licence condition demonstrated in this matter.

Section 164 (2) of the Act sets out the following factors that must be considered before imposing an AMP:

- (a) previous enforcement actions for contraventions of a similar nature by the supplier
- (b) the gravity and magnitude of the contravention
- (c) the extent of the harm to others resulting from the contravention
- (d) whether the contravention was repeated or continuous
- (e) whether the contravention was deliberate
- (f) any economic benefit derived by the person from the contravention
- (g) the person's efforts to correct the contravention

For the violation at issue, I consider all these factors to decide whether an AMP should be imposed. If imposing an AMP, to determine the *amount* that should be imposed I consider the section 164 (2) factors together with the Consumer Protection BC policy, "Calculation of Administrative Monetary Penalties Policy and Procedures" (the "Policy"). The Policy model and rationale are discussed below.

The Policy, normally applied by Consumer Protection BC, sets out how the AMP amount is calculated, starting with a base penalty amount. The Policy helps to ensure that calculations of AMP amounts are consistent, transparent, flexible, and proportionate to the contraventions at issue,

and that suppliers subject to AMPs know how Consumer Protection BC interprets the Act and analyses the criteria determining AMP amounts. Consumer Protection BC has developed the Policy from its experience and expertise in providing consumer protection services, and from its mandate to administer the Act in the public interest.

According to the Policy, contraventions for which AMPs are imposed are first categorized into Type A, Type B, or Type C, as set out in the Appendix. Consumer Protection BC makes these assignments based on its purposes and experience in delivering consumer protection services in the public interest, and the consideration of two factors: (1) the inherent severity of harm specific to the contravention, and (2) the probability that a person will experience harm from the contravention.

After categorization of the contravention, the decision maker considers a set of “adjustment factors” laid out in the Policy. These “adjustment factors” are based on section 164 (2), plus one additional criterion consistent with the legislation. The Policy requires the decision maker to choose a “gravity” value for each adjustment factor based on consideration of the relevant aggravating or mitigating circumstances.

When applying the Policy, the decision maker is considering all the factors under section 164 (2) in his or her calculation or analysis of the AMP amount that should be imposed. The decision maker continues by then deciding in his or her discretion whether the amounts in the Policy should be imposed or different amounts imposed based on consideration of the factors under section 164 (2) (and one additional related criterion) and any other relevant circumstances.

In the notice of this hearing, I identify the Policy and advise that it will be applied as part of any decision that may impose an AMP. The notice further states that the Policy can be viewed on our website and would be otherwise provided to the respondent in paper form upon request. Therefore, BNW has had an opportunity to respond to the Policy by making submissions on the appropriateness of its application or its consistency with the criteria under the Act. However, in this hearing I have not received any submissions on the Policy. To the extent the Responses directly contend with the application of the section 164 (2) factors in the Act I consider them.

I have determined that an AMP should be imposed for BNW’s failure to comply with the licence condition requiring cessation of business during the suspension ordered on July 2<sup>nd</sup>, 2019.

### **Calculation of the AMP amounts**

I first apply the Policy to calculate an AMP amount. I then decide whether that amount or a different amount should be imposed based on consideration of the factors under section 164 (2) and one additional criterion, and any other relevant circumstances.

Violation of section 164 (1)(b) is a “Type C” contraventions under the Policy. I agree with the categorization of the contravention in the present circumstances being at a relatively high level of inherent severity and potential harm according to the Policy.

My assessment of the adjustment factors applicable to these contraventions under the Policy’s “Penalty Matrix” is set out in the table below:

<b>Adjustment Factor</b>	<b>Effect on Gravity</b>	<b>Analysis</b>
<b><i>1. Previous enforcement actions for contraventions of a similar nature</i></b>	<b>0</b>	The Report refers to no previous enforcement action against BNW for this type (or similar) violation. In the absence of such evidence, according to the Policy this factor is thus neutral in regard to penalty amount.
<b><i>2. Gravity and magnitude of the contraventions</i></b>	<b>0</b>	The contravention in this case was discovered during an inspection ostensibly unrelated to any consumer complaint or loss. I note the contravention involves 14 travel service transactions over two days. The inherent seriousness of the violation of a condition equivalent to suspension is captured in the assignment to the “Type A” category. I do not find the two-day / 14 transaction scope of the breach to be further aggravating for the purpose of the AMP (considering the effect of all penalty matrix factors as well).
<b><i>3. Extent of the harm to others resulting from the contraventions</i></b>	<b>0</b>	There is no direct evidence of harm or any basis in the Report to support such an inference.
<b><i>4. Whether the contraventions were repeated or continuous</i></b>	<b>+1</b>	The evidence leads me to conclude that the degree of repetition and continuity (14 transactions over two days) modestly aggravate liability. This is not a “one-off” occurrence: I add one “point” for this as an aggravating circumstance.
<b><i>5. Whether the contraventions were deliberate</i></b>	<b>+1</b>	The conduct in this case supports either an inference of deliberate intent to circumvent the requirements of the licence condition related to suspension, or an act so careless in the circumstances to be reckless or “wilfully ignorant”. In the context of regulatory liability, I do not believe that the line between intent and overt carelessness matters a great deal for the purpose of this factor. I will add one point on the aggravation part of the scale.
<b><i>6. Economic benefit derived by the person from the contravention</i></b>	<b>+1</b>	The respondent may have been motivated by and derived some economic benefit from the contravention. It may have provided travel sales to avoid denying services to its customers over two days, and to not forgo revenue otherwise available. I have reviewed the 14 travel invoices and observe

		that the gross value of the services sold is about \$17,000. The inspector reports that BNW's 2019 financial statement identifies gross annual profit of 12% on revenue. However, I note also that BNW's net earnings are stated as 2% of revenues (slightly less than \$100,000). While the corresponding estimate of economic benefit base on the above is not substantial, I find that the evidence of economic benefit justifies a positive increment of one point for this aggravating factor.
<i>7. Whether the person made reasonable efforts to mitigate or reverse the contravention's effects</i>	0	There is nothing arising in the hearing suggesting any "reversal" or diminution of any presumed effects relating to the violation.
<i>8. The person's efforts to correct the contravention to prevent recurrence</i>	-1	In its response, BNW submits its failure to observe the suspension-condition is a consequence of a breakdown of appropriate lines of authority and communication in the business. (The situation relates to the resignation of BNW's "long-term controller" suddenly about one year before.) It says it has since hired qualified staff (in particular a "Financial Officer" / CPA), implemented "clear policies" and procedures to deal with time-sensitive matters, and "established a...chain of decision-making authority" to prevent recurrence of similar circumstances. I give some weight to these assurances. In all this, BNW says, it is "highly proactive". With respect to the hiring of a Financial Officer in August 2019, owing to the specific information provided I find the submission credible. The supervision of financial reporting and other time-sensitive matters by the officer ought to reduce the risk of any recurrence. For this reason, I deem a one-point mitigation / reduction appropriate. (Regarding the other claims by BNW relevant to this factor I find the evidence somewhat lacking.)

### **Final Calculation of AMP**

The Policy determines violation of section 164 (1)(b) is a Type C contravention with a base penalty amount of \$5,000. For this violation, application of the AMP "Matrix" involves some adjustment for aggravating or mitigating factors. Thus, the effect on "gravity level" of the contravention is "plus two".

In this case, after considering the policy adjustment factors, I apply a penalty of **\$6,000** (out of the maximum \$15,000 found in the “AMP Penalty Matrix”), per Part 4.3 of the Policy. Attached to these reasons is a Notice of Administrative Penalty in that amount.

### **Compliance Order**

Having found BNW responsible for contravening section 164 (1)(b) of the Act, I have authority under the Act to order reimbursement of Consumer Protection BC’s costs for the relevant inspection, including preparation of the Report for this hearing. Recognizing the resources allocated to discovery and documentation of the violations, I impose partial **inspection costs of \$300** on the respondent (taking into account my findings concerning the scope of the allegation made originally). The Order enclosed with this decision gives formal notice to that end.

### **RECONSIDERATION OF DECISION (PENALTY, ORDER)**

This decision and the related Order may be reconsidered in accordance with Division 1 of Part 12 of the Act. A request for reconsideration must be submitted **within thirty days** of receiving this notice. *The request must be in writing, must be accompanied by a \$247 reconsideration application fee, and must identify the error the person believes was made or other grounds for which the reconsideration is requested.*

Please note that reconsiderations of determinations are subject to the provisions outlined in section 181 and 182 (2) of the Act. Requests for reconsideration should be addressed to:

Consumer Protection BC  
Attention: Shahid Noorani, VP Regulatory Services  
200 – 4946 Canada Way  
Burnaby, BC V5G 4H7

Or by email to: [shahid.noorani@consumerprotectionbc.ca](mailto:shahid.noorani@consumerprotectionbc.ca)

Considered on January 29<sup>th</sup>, 2020 in Burnaby, BC by:

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Manager of Enforcement Hearings

Enc: Compliance Order / Notice of Penalty