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# COMPLIANCE ORDER

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## IN THE MATTER OF

### *THE BUSINESS PRACTICES AND CONSUMER PROTECTION ACT [SBC 2004] c. 2*

**Respondent:** Above and Beyond Funeral Services Corp. carrying on business as Devlin Funeral Home

**Adjudicator:** Robert Penkala

**Date of Order:** April 14, 2020

#### CONTRAVENTION

In a decision of the director dated April 14, 2020 the following contravention of the *Business Practices and Consumer Protection Act* was found to have been committed by the respondent:

*Failing to include in its preneed funeral services contracts a place for the consumer's acknowledgment of specific disclosures required by section 35 of the Act, contrary to section 36 (1)(d) of the Act.*

#### REQUIREMENTS OF THE ORDER

1. The respondent must not execute any consumer preneed funeral services contracts arranged in association with third-party insurance policies unless using a contract template complying with the information requirements and acknowledgements expressly required or implied under sections 35 and 36 of the Act, or a contract drafted or created for the transaction that is equally compliant with those requirements.
2. The respondent is ordered to reimburse Consumer Protection BC the amount of **\$1,800** for its inspection costs in this matter, to be paid within 30 days of delivery of this order to the respondent.

## **RECONSIDERATION (APPEAL)**

Under section 181 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 \$252 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](http://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](mailto:shahid.noorani@consumerprotectionbc.ca)

## **SUMMARY**

The respondent is required to comply with this Order and, if requested 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, Mgr., Enforcement Hearings

April 14, 2020

Date

Method of Service: by email