



**CONSUMER
PROTECTION BC**

COMPLIANCE ORDER

IN THE MATTER OF

**THE *BUSINESS PRACTICES & CONSUMER PROTECTION ACT* [SBC 2004] c. 2
and *PAYDAY LOANS REGULATION***

Respondent: National Money Mart Company also carrying on
business as Money Mart

Adjudicator: Robert Penkala

Date of Order: May 8, 2020

CONTRAVENTIONS

In a decision of the director issued May 8, 2020 the respondent is found to have contravened section 23 (2)(b) of the *Payday Loans Regulation* by:

failing to ensure that payday loan agreements provided for repayments to be made by borrowers over at least the next two “pay periods”, as required in the applicable prescribed loan circumstances.

REQUIREMENTS OF THE ORDER

Pursuant to section 155 (4) (a) and (d) of the Act, the respondent is ordered:

1. Within 30 days of service of this order, to reimburse Consumer Protection BC **\$450** for its inspection costs in respect of the above-noted contravention.
2. To implement any system, technical, or procedural changes required to identify and prevent recurrence of the above contravention, and report to Consumer Protection BC the steps taken, including means by which Money Mart will monitor or self-audit for compliance in this respect, **by no later than June 1st, 2020.**

3. To comply with section 24 of the *Payday Loans Regulation* by returning all payday loan fees for the borrowers identified in the payday loan agreements in Exhibits 3 through 8 of the Report in case #30311, refunding the fees for those loans either by cash or electronic funds transfer, cheque, money order, or credit against currently outstanding loan repayments as between the same borrowers and Money Mart, and:
 - a. make all reasonable efforts to notify consumers and give the fee refunds at the earliest opportunity;
 - b. keep a record of all fee refunds provided and upon request provide particulars of the refunds to an Inspector without delay;
 - c. report to Consumer Protection BC the status of the refunds including any amounts remaining outstanding, by **no later than June 1st, 2020**;
 - d. comply immediately with the direction of Consumer Protection BC with respect to the handling of any refunds made under this Order, or the holding of funds intended for that purpose.

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. 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.

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.

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 delivered 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, 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

May 8, 2020

Date

Method of service: email