
COMPLIANCE ORDER

IN THE MATTER OF

THE BUSINESS PRACTICES & CONSUMER PROTECTION ACT [SBC 2004] c. 2

Respondents: **Springhill Enterprises Ltd. carrying on business as Check Station**

Adjudicator: **Robert Penkala**

Date of Order: **May 20, 2020**

CONTRAVENTIONS

In a decision of the director after a hearing concluded May 5, 2020, the respondent was found to have contravened the Act, by:

1. Making deceptive or misleading representations to the effect that non-payday loan agreements were payday loans, contrary to section 5(1) of the Act.
2. Failing to disclose in its payday loan agreements the annual percentage rate of interest (“APR”) calculated in accordance with the regulations, contrary to section 112.06 (2)(k) of the Act.

REQUIREMENTS OF THE ORDER

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

1. Cease extending loans exceeding 62-day terms while describing the loans as payday loans and representing itself as a payday lender in the transaction.
2. By no later than June 17, 2020, implement a method of calculating and disclosing annual percentage interest of payday loans (APR) as required by the Act in its lending software, point-of-sale-systems, or other relevant means of creating its payday loan agreements. To that end, the respondent is at liberty to use any custom spreadsheet application used or approved by Consumer Protection BC.
3. Within **60 days** of service of this order, pay to Consumer Protection BC partial costs of inspection in respect of the above-noted contraventions, in the amount of **\$750**.

RECONSIDERATION OF THE ORDER

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. Information about the reconsideration process can be found at www.consumerprotectionbc.ca

A decision on reconsideration is final and may only be judicially reviewed.

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, 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 20, 2020

Date

Method of Service: by email