

UNDERTAKING

Pursuant to Section 56 of the *Cremation, Interment and Funeral Services Act* (the “CIFSA”)

THIS UNDERTAKING is made with an effective date of June 29, 2020

Between

Arbor Memorial Inc

Valley View Memorial Gardens (the “Respondent”)

and

The Director, Consumer Protection BC (the “Director”)

WHEREAS:

- A. The Respondent is currently licensed as a cemetery operator located at 14644 – 72nd Ave, Surrey, BC V3S 2E7, licence number 15770.
- B. Having conducted an inspection under the CIFSA after receiving an industry complaint, the Director asserts that:
 - (I) Since 2005, the Respondent has been charging a fee known as the Witnessing Monument Installation Fee (“the Fee”) to consumers and/or outside monument companies in cases where the installation of the memorial was performed by a person other than the operator, in contravention of section 41(2) of the CIFSA.

NOW THEREFORE the Respondent undertakes, acknowledges, and agrees with the Director:

1. To review its records to identify those circumstances where it charged the Fee and by no later than July 31, 2020, to return the principal amount, plus interest in the amount of an average annual percentage of 2.37%, to the consumers involved in those transactions (“the Refunds”).
2. When providing refunds to a consumer identified in item 1, the Respondent will issue written notification to the consumer specifically stating: “Pursuant to an Undertaking entered into with Consumer Protection BC, Arbor Memorial Inc is hereby providing a refund for money collected for a Witnessing Monument Installation Fee. To view the Undertaking you may visit www.consumerprotectionbc.ca and go to the recent enforcement actions section”. Copies of written notifications must be kept by the Respondent and supplied to Consumer Protection BC on demand.
3. To amend its cemetery bylaws and fee schedules to ensure references to the Fee is removed from those documents.
4. To inform the Director when the Refunds have been paid to the consumers identified in item 1. above, or their heirs or successors.
5. No later than August 31, 2020, the Respondent will pay to Consumer Protection BC, any amount not refunded (“the unclaimed amount”) to consumers identified in item 1. of this Undertaking.

The unclaimed amount will be held by Consumer Protection BC to satisfy any entitled consumers for a period of 6 months, after which any unclaimed funds may be deposited by Consumer Protection BC into the Consumer Advancement Fund.

6. That the Director may, upon breach of any part of this undertaking by the Respondent, initiate proceedings rendering the Respondent liable to further actions and penalties under the CIFSA or as applicable, the *Business Practices and Consumer Protection Act* ("BPCPA"). In addition, it is an offence under the CIFSA to fail to comply with any part of this undertaking.
7. That the Respondent reimburse the Director costs of the inspection in the amount of \$615.00 no later than July 31, 2020.
8. That any communication with the Director relating to this undertaking shall be made to the following:

Shahid Noorani, Vice President, Regulatory Services
Consumer Protection BC
200 – 4946 Canada Way
Burnaby, British Columbia V5G 4H7
Fax: (604) 320-1663

And in the case of the Respondent to the following address:

14664 – 72nd Ave.
Surrey, BC V3S 2E7

unless another address for delivery is given to the other party, in writing, by either the Director or the Respondent.

Accepted and entered into this 29th day of June 2020.



Signature
Shahid Noorani, Vice President, Regulatory Services



David Carnovale (Jul 15, 2020 14:42 EDT)

Signature (Respondent)