



**CONSUMER
PROTECTION BC**

NOTICE OF ADMINISTRATIVE PENALTY

IN THE MATTER OF

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

**Respondent: Community Enterprises Corp. also carrying on business
as Community Cash Canada**

Adjudicator: Robert Penkala

Date of Penalty: August 7, 2020

CONTRAVENTION AND PENALTY

Pursuant to sections 164 (1) (a) and 166 (1) of the *Business Practices and Consumer Protection Act*, after a hearing and decision, I serve notice to the respondent of the following:

A penalty of **\$3,000** is imposed for failing to disclose in its payday loan agreements the correct term (in days) and the annual percentage rate of interest ("APR") calculated in accordance with the regulations, contrary to section 112.06 (2)(g) and (k) of the Act.

RECONSIDERATION (APPEAL)

Under section 181 of the Act, the respondent may apply for reconsideration of this Notice 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 a penalty only if new evidence has become available:

- that is substantial and material to the penalty determination; 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 \$252 application fee must be paid 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

Requests for reconsideration must be addressed to:

Consumer Protection BC
Attn: Shahid Noorani, Vice President of Regulatory Services
200 – 4946 Canada Way, Burnaby, BC V5G 4H7
shahid.noorani@consumerprotectionbc.ca

PAYMENT OF THE ADMINISTRATIVE PENALTY

Pursuant to section 167 of the Act, this penalty in the total amount of **\$3,000** must be paid by no later than 30 days from the date on which this Notice is served.

If the respondent requests reconsideration, and the decision of Consumer Protection BC respecting the reconsideration does not result in cancellation of the penalty, the penalty is due within 30 days after delivery of the decision.

If the respondent fails to pay the penalty, Consumer Protection BC may file a certified copy of this Notice with the Supreme Court or Provincial Court and initiate proceedings to recover the penalty as if it were a judgment of the court.

Before filing the Notice in court, Consumer Protection BC must impose an additional penalty equal to 10% of the unpaid penalty.



Robert Penkala, Mgr. Enforcement Hearings

August 7, 2020

Date

Method of Service: email