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## **COMPLIANCE ORDER**

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### **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 Order:**       **August 7, 2020**

#### **CONTRAVENTIONS**

In a decision of the director after a hearing concluded August 7, 2020, the respondent was found to have contravened the Act, by:

Failing to disclose in its payday loan agreements the actual loan term 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.

#### **REQUIREMENTS OF THE ORDER**

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

1. Implement, by no later than September 15, 2020, a method of calculating and disclosing correct loan terms (in days) and annual percentage interest of payday loans (APRs) as required by the Act in its lending software or any other means of creating its payday loan agreements. To that end, the respondent is at liberty to use a custom spreadsheet application suggested, used, or approved by Consumer Protection BC. The respondent shall provide evidence of recent or new payday loan agreements satisfactory to Consumer Protection BC to verify compliance with the above.
2. Within **60 days** of service of this order, pay to Consumer Protection BC 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 the time 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.

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. Information about the reconsideration process can be found at [www.consumerprotectionbc.ca](http://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](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 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

August 7, 2020

Date

Method of Service: email