

 CONSUMER PROTECTION BC	POLICY	Version: 1.0 Modified: 25 November 2016
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Late Submission Policy and Procedures

1.0 Purpose

To outline the policy and procedures for late or incomplete file submissions and/or payments.

2.0 Definitions

“administrative penalty” means a penalty imposed by the director on a person or business under section 164 of the *Business Practices and Consumer Protection Act*.

“annual report (AR)” means the document that serves to calculate the appropriate security for debt collection agencies based on gross trust funds less commissions. The submission of this document is required within 90 days of the licensee’s fiscal year-end.

“financial statement (FS)” means complete documents following generally accepted accounting principles that outline the fiscal year of a licensee. The submission of these within 90 days of the licensee’s fiscal year-end is a licensing requirement for travel and debt collection industries.

“licensee” refers to individual(s) or business(es) in possession of a licence specific to the industries Consumer Protection BC regulates.

“Licensing and Information Officer” means members of Consumer Protection BC who work with licensing-related tasks, such as applications, renewals, submission of documentation, and other requirements.

“Notice of Pending Action (NOPA)” means a letter sent to licensees should action be taken against them notifying them of the alleged violation(s), the potential consequences, their opportunity to be heard, and the timeline to respond.

“payment” means the submission of funds, or the assurance of funds, if needed by a licensee

“Travel Assurance Fund (TAF)” means contributions to this fund are a legislative requirement for those in the travel industry, and are required within 90 days from licensees’ fiscal year-end.

“security” means the submission of funds, or the assurance of funds if needed, by a licensee into a trust account for an amount of time specified by legislation.

“submission” means legally required documents, in order for a licensee to maintain a licence.

3.0 Rationale

Consumer Protection BC licenses the debt collection and debt repayment; cremation, interment and funeral service; and travel sectors. Each sector has differing information they are legally required to submit and, in some cases pay for, prior to obtaining a license:

- Debt collection sector: the filing and increase of the security amount for the financial report (*Debt Collection and Debt Repayment Regulation s.10(1)*)
- Cremation, interment and funeral service sector: preneed annual report filing (*Cremation, Interment and Funeral Services Regulation s.10*), along with administration fees (as per the annual administration fee agreement)
- Travel sector: the annual financial report submission and security increase (*Travel Industry Regulation s.12(1)*) and the Travel Assurance Fund contribution (*Travel Industry Regulation s.17(3)*)

When submissions from businesses are incomplete or not provided upon deadline, Consumer Protection BC will, when appropriate:

- (1) Charge a late fee in the amount specified on the fee schedule;
- (2) Charge late fees for each licensed location and each licensed individual;
- (3) Require the payment of the late fee in addition to the submission before a licence is re-issued.

These procedures outline the types of incomplete submissions and how Consumer Protection BC will respond to incomplete submissions.

4.0 Policy statement

Per the requirements of the *Debt Collection and Debt Repayment Regulation*, the *Travel Industry Regulation* and the *Cremation, Interment and Funeral Services Regulation* (the Regulations) applicants and licensees must submit various documents and information to the Director as part of the initial application for a licence, upon licence renewal or at other periods during the licence cycle such as at a business' fiscal year-end. Submission deadlines exist within the context of an issued licence and are therefore applicable for Consumer Protection BC to levy late charges as both a deterrent for late submissions and to cover additional processing costs for reminders and tracking. All late submissions or payments, or incomplete submissions or payments, will result in late charges.

The procedures related to late submissions of legally-required documents, or payments are:

4.1 Filing a submission for licensure

Prior to the deadline of a submission, Consumer Protection BC will:

- Provide notice of the submission deadline to the licensee;
- Date stamp all completed documents received. Where a legally-required submission or payment is found to be incomplete or incorrect, the submission or payment will be returned to the licensee as incomplete and will not be deemed as received;
- Process all submissions and payments in the order they are received. In some cases, this process will take place following the submission deadline; however, these will be deemed as received on time and no late fee will apply;
- All incomplete submissions or payments must be resubmitted prior to the submission deadline and will be date stamped and processed in the order they are received;

4.2 Formal notice of late or incomplete submissions or payments:

Consumer Protection BC will:

- Provide a formal notice of the late charge and notice of pending action (NOPA), informing the licensee of the missed submission deadline, the associated contravention of the Regulations, as well as an opportunity to respond, prior to Consumer Protection BC taking administrative action.
- The notice will provide the applicant 14 days from the date of the NOPA to satisfy the statutory obligation and remit the late submission charge.

- If after 30 days the late submission charge is not paid, any issued licence will be set at ‘do not renew’ and will not be renewed during the next renewal period unless the late submission charge is paid and the submission is received.

4.3 Overdue fees

Consumer Protection BC will:

- Prior to the renewal deadline, provide a notice that the renewal will not be processed until the corresponding fees are settled. If payment is not received, the renewal application will not be accepted.
- A final notice of overdue account will be provided when a licensee submits a required document prior to, or following an administrative action, but fails to remit the required late submission charge.
- Any issued licence or submission will not be renewed or accepted until the overdue account is settled.

4.4 Submission extensions

Consumer Protection BC may grant extensions as follows:

- A Licensing and Information Officer may grant up to a 30-day extension to the submission deadline if the licensee notifies the office prior to the expiration of the deadline. At the expiration of this 30-day period, if the submission requirement has not been met, the licensee will be deemed to be in breach of the Act and the notice of pending action process will commence, in addition to the imposition of the late submission charge;
- Consumer Protection BC may grant an extension to the submission deadline if a licensee notifies the office prior to the issuance of a notice of pending action and provides a reasonable explanation as to the circumstances which resulted in the late submission; however, under no circumstances will the late fee be waived;
- In certain circumstances, the Director may grant an extension to the submission deadline where a licensee notifies the office following the issuance of a notice of pending action and provides a reasonable explanation as to the circumstances which resulted in the late submission; however, under no circumstances will the late fee be waived.

5.0 References

Business Practices and Consumer Protection Act and Regulations Cremation, Interment and Funeral Services Act and Regulations

The *Business Practices and Consumer Protection Act* and the *Cremation, Interment and Funeral Services Act* and associated Regulations require the licensing of certain activities.

Motion Picture Act and Regulation

The *Motion Picture Act* and *Motion Picture Act Regulation* require the licensing of certain activities.

Fee Schedule

Section 179(1) of the *Business Practices and Consumer Protection Act*, section 59(2) of the *Cremation, Interment and Funeral Services Act*, and section 12.6 of the *Motion Picture Act* allow Consumer Protection BC (the “Authority”) to set fees, charges, and other amounts.