

## 1.0 Purpose

This sets out the policy and procedures for a request to the director to reconsider a determination. It also sets out the usual time period for release of a final decision and reasons after the Authority completes a hearing of the request.

This policy and procedures apply to all requests for reconsideration before Consumer Protection BC, although not all of the potential steps described in this directive will apply to a particular request. Consumer Protection BC will make its best efforts to comply with the spirit and intent of this policy.

## 2.0 Rationale

The *Business Practices and Consumer Protection Act* and the *Cremation, Interment and Funeral Services Act* provide for reconsiderations by the director, if requested in writing. The reconsideration process fulfills the obligation in natural justice for procedural fairness and due process.

## 3.0 Policy Statement

The director may reconsider a determination when the director receives a request for a reconsideration in writing and that request identifies the error the person believes was made or the other grounds for which reconsideration is requested. The decision made with respect to the reconsideration is final and may not be reconsidered.

If the person is not satisfied with the outcome of a reconsideration request, that person may apply to the Supreme Court of British Columbia for a judicial review of the reconsideration decision pursuant to the *Judicial Review Procedure Act*.

The Authority will charge a fee for each reconsideration. The fee will be refunded to the applicant if the reconsideration results in the full reversal of the decision being reconsidered. The current fee is on the applicable fee schedule.

The Authority will use the following procedures as a guide in reconsidering a determination.

## 4.0 Procedures

### 1. Acknowledging receipt of a request for reconsideration

Within 10 business days of receiving a request, Consumer Protection BC will acknowledge receipt by a written confirmation sent to the requestor by ordinary mail, fax or email to the location, number, or address set out on the request. The confirmation of receipt may also set out any requirements for the applicant to notify other persons about the request.

**2. Notifying the other parties of receipt of a request for reconsideration, if the director decides to reconsider a determination**

Within 15 business days of receiving the request where the request for reconsideration sets out the names and addresses of the other parties to a request, Consumer Protection BC will advise the other parties it has received a request by sending the other parties a written confirmation and a copy of the request. That confirmation will be sent by ordinary mail, fax or email to the other parties' location(s), number(s) or address(es) as set out in the request.

**3. Determining whether all preliminary filing requirements have been met**

Within 25 days after receiving the request, Consumer Protection BC will review the request to determine if it appears to have been filed within any time limits and if it appears to meet any other filing conditions or requirements.

**4. Notice of defect in a request for reconsideration**

If it appears that the request was not filed within any time limit or to meet any other filing condition or requirement, Consumer Protection BC will send a written notice to the requestor within 10 days of its review. The notice will be sent by ordinary mail, fax or email to the location, number or address set out in the request.

A copy of the notice will also be sent to any other parties set out in the request. The notice may also set out any steps the requestor may be able or required to take to properly complete the request, and any time limit for that to be done.

**5. Requests for reconsideration that are routine in nature**

If there are no apparent defects in the request and a notice is not sent under # 4 above, or if the requestor takes the steps required to properly complete the request by the deadline, Consumer Protection BC will assess whether the request is routine in nature. If Consumer Protection BC determines that a request is routine in nature, but that further information is needed to make a decision, Consumer Protection BC may request that information and may take up to 30 additional days to complete the decision, subject to timely receipt of the additional information.

**6. Setting a case management conference**

For more complex requests, Consumer Protection BC may set a time and date for a case management conference within 25 days of acknowledging receipt of the request. Notice of the case management conference will be given to the parties by telephone, fax, email or ordinary mail at the number, address or location set out on the request, or as the parties may advise. Depending on how many parties are involved or how complex the issues in a request are, additional case management conferences may be required, and will usually be set for within 30 days of the most recent case management conference.

**7. Parties to submit summaries of the evidence and submissions prior to the hearing**

Unless Consumer Protection BC sets different requirements for a reconsideration, all parties are required to send to the Consumer Protection BC and to any other parties:

- a brief written statement of what the party intends to submit to Consumer Protection BC about the request,
- a list of the names of any persons the party may ask to give evidence,
- a brief written statement of what they expect that person will have to say about the request, and
- copies of any documents they may be referring to at the hearing, at least 20 days before the hearing.

#### **8. Hearing to be scheduled**

Consumer Protection BC will make its best efforts to set a date for hearing the reconsideration and issue notices of hearing within 50 days of the request being filed or within 15 days after the last case management conference. Consumer Protection BC will decide if the hearing will be in person, by telephone or in writing, and will advise all parties of when, where and how the party can participate in the hearing, at least 15 days before the hearing. Notice will be sent to the parties by ordinary mail, fax or email to the location(s), number(s) or address(es) set out on the request, or as the parties may advise.

#### **9. Final decision to be made and sent**

Consumer Protection BC will make its best efforts to make its final decision in writing and give reasons for the decision within 30 days after the hearing is completed. Notice of the decision will be sent to each party within 10 days of the decision being made, by ordinary mail, fax or email to the location, number or address set out on the request or as the parties may advise.

### **5.0 Authority**

#### **5.1 *Business Practices and Consumer Protection Act***

The *Business Practices and Consumer Protection Act* identifies requirements for reconsiderations by the director (ss. 180-182).

#### **5.2 *Business Practices and Consumer Protection Authority Act***

The *Business Practices and Consumer Protection Authority Act* allows the Authority to fund its operating costs and capital expenditures from fees or charges for the performance of any duty by the authority (s. 5 (b)).

#### **5.3 *Cremation, Interment and Funeral Services Act***

The *Cremation, Interment and Funeral Services Act* (CIFSA) also identifies the requirements for a reconsideration of a determination (s. 60).

### Reconsideration Process

