



**CONSUMER
PROTECTION BC**



Inspection Guide

Place of interment

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Introduction

Consumer Protection BC is responsible for the administration of the *Business Practices and Consumer Protection Act* (BPCPA), the *Cremation, Interment and Funeral Services Act* (CIFSA) and the *Cremation, Interment and Funeral Services Regulation* (CIFSR). Together these Acts and Regulation govern the licensing requirements for the places of interment in British Columbia.

This guide has been prepared to better inform and educate you on the compliance inspection process. As one of our licensed businesses it is your responsibility to conduct yourself and to operate your business to comply with the laws and conditions on the licences. We recommend you take the time needed to read this guide fully and to make sure that your managers and staff are familiar with the information.

This guide provides a reference point, so you know what to expect and how to prepare for our compliance inspections.

This is a general overview of the compliance inspections process. This guide is not intended to provide legal advice and it is not an exhaustive review of the legislative provisions affecting you or your sector in BC. We recommend that you get copies of the legislation and regulation and review them in detail. You can find them [online](#) or printed versions may be ordered from:

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For more general information, we can be reached at:

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Background: our responsibilities

The role of Consumer Protection BC

Our purpose is to license and inspect regulated businesses, respond to consumer inquiries, investigate alleged violations of consumer protection laws, classify all general release and adult films, and provide information and referrals to consumers.

As part of our responsibility to ensure compliance with the law and conditions on a licence, we regularly perform compliance inspections as well as inspections in response to consumer complaints. When an inspector identifies issues of non-compliance, the inspector may open a complaint file. When the eventual outcome of a complaint file results in compliance by the business, or some form of enforcement action being taken against the business, the outcome is published to our website. We share this information to enable consumers to make informed decisions.

The role of the licensee

You are legally responsible for understanding the Act, Regulation, conditions on your licence and be in compliance with them all.

You are also responsible for making sure your employees follow the Act, Regulation, and conditions on the licence, even when you are not present at the business.

You must fully cooperate with an inspector. Providing false or misleading information to an inspector or obstructing or hindering an inspection are serious contraventions. A person that carries out such behaviours or activities is also subject to prosecution under *the Offence Act*.

Inspection process

Scheduling and notification

Inspectors attend businesses located throughout the Province – sometimes arriving unannounced. The Act allows for an inspector to enter a business at any reasonable time to determine compliance with the Act, Regulation, conditions on a licence, or the suitability of a licensee or an applicant for a licence.

Authority to inspect

It is your responsibility to cooperate fully during an inspection. In most instances, an inspector will provide their official identification on arrival, or a request can be made for them to produce it. You must not do anything to obstruct, hinder, or interfere with an inspector's entry and inspection of a business.

The Act gives the inspector the authority to:

- Inquire into any business, affairs or conduct of a person
- Inspect, audit or examine any record, goods or other things or the provision of services in the premises

- Inspect a vehicle or vessel that is being used for business purposes
- Require a person who has possession or control of any records, goods, or other things in the premises, vehicle or vessel to produce the records, goods or things
- Make a record, including a record on film, audio tape, video tape or otherwise, of the premises, vehicle or vessel or any other things in the premises, vehicle or vessel
- Remove any record from the premise, vehicle or vessel for purpose of making copies
- Remove and retain any record, good or other thing that may be required as evidence from the premises, vehicle or vessel.

Conclusion of inspection

Once the inspection is complete, the inspector will review the results with you, or the manager on duty at the time of the inspection and discuss any non-compliance identified during the inspection. A Certification of Inspection will be prepared by the inspector and a digital copy will be emailed to you as indicated on your licensing file.

Post Inspection Report and follow up

After returning to the office, the inspector will document the inspection, update your file and, if required, inform other departments within Consumer Protection BC of the inspection results.

The inspector will give you a Post Inspection Report. The report will identify the alleged violations that you must correct and/or the alleged violations that will be recommended for enforcement to the Director. For more information on the enforcement process, please see the section below.

We may conduct a follow up inspection to ensure that deficiencies noted have been corrected.

Enforcement

If an inspector detects violations that they believe should proceed to enforcement or a monetary administrative penalty, they will notify you of these alleged contraventions in a Post Inspection Report. The inspector will also prepare a Report to the Director (RD) document for the Manager of Inspections & Case Management. A copy of the RD will also be sent to you. The RD will identify the allegation(s) proceeding to enforcement and the evidence the inspector is relying on to support the allegation(s). You will be given an opportunity to respond to the allegations made in the RD. A decision maker will then decide whether the allegation took place, and whether statutory action such as an administrative penalty, licensing action or other remedial order is appropriate. Note: the decision to impose an administrative penalty is at the discretion of the Director or delegated decision maker.

If you are dissatisfied with the decision, you may apply for a reconsideration of the decision.

Further information on the policies and procedures relating to the calculation of administrative monetary penalties and the reconsideration process can be found by visiting the About us (Our policies) section of our website at www.consumerprotectionbc.ca.

What will be inspected

Remember that inspectors attend businesses to confirm compliance with the Act, Regulation, and conditions on a licence, however inspectors are also there to educate and answer questions. Please feel free to approach them about any business issues or problems related to the Act or Regulation.

Typically, you can expect that an inspector will do some of the following:

- Review the legislation and the conditions on a licence for any issues that are identified
- Inspect the physical layout of the business
- Inspect legal, financial and other business records
- Observe and record your business practices, identify deficiencies or problem areas that may lead to non-compliance
- Identify any contraventions
- Answer your questions and help you understand your obligations

To find out what an inspector will be reviewing, please read a sample inspection checklist (Appendix). Note: the items on the checklist are not an exhaustive list of the items an inspector may review at inspection.

Documents and records

You must produce all business records and documents requested by the inspector. Since business records are not always kept on the premises, an inspector may schedule an inspection so you can make sure the records are at the business for the inspection. Sometimes, the inspector may require that you provide additional records at a later date. Refusing to provide records or providing false or misleading information is a serious contravention.

Appendix A - Inspection Checklist

The following are the types of types of things that the inspector is checking during an inspection of your business. This is not a comprehensive list and not all items on this list are inspected during each inspection.

 Licence #: _____ Date of Inspection: _____				
Question	PLACES OF INTERMENT INSPECTION REPORT	Y	N	N/A
GENERAL FACILITY & PROPERTY				
1	Does the place of interment deal with the public?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	BPCPA 31(2)(a) Is the price list displayed in a conspicuous location?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	BPCPA 31(2)(b) Is the price list readily available upon request?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	CIFSR 11 Is the operator using the registered name or dba?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	CIFSR 12(1) Is the business address listed in all directories, advertising and marketing materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	CIFSR 12(2) Re: Operator declaring ownership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	CIFSA 42(3) Does the operator have a set of maps and plans for the subdivisions of lots, columbaria and mausoleums?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Is the operator a municipality, regional district, improvement district or a commercial place of business?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Is the place of interment maintained to a reasonable standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Who provides maintenance services?			
CARE FUND				
11	CIFSA 28(1) Is there a care fund?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	CIFSR 22(4)(a) Are the funds held separate and apart?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13	CIFSR 21(2) Is there a Care fund trust agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	CIFSR 20(2) Is at least 25% of the right of interment price deposited to the fund?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	CIFSR 20(4) Is at least 10% of the mausoleum/columbarium right of interment deposited to the fund?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	CIFSR 20(5) Is at least \$10 for each memorial installed deposited to the fund?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GENERAL MAINTAINANCE FUND				
17	Is there a bank account for the general care and maintenance of the property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Are the funds held separate and apart from the operating account?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	What type of account is it and how is it administered?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Percentage of the right of interment price deposited?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Percentage of each mausoleum/columbarium right of interment price deposited?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Amount collected for each memorial installed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRENEED CEMETERY SERVICES CONTRACT (AS APPLICABLE)				
23	BPCPA 19(a) Re: Supplier's name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	BPCPA 19(b) Supplier's business address	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	BPCPA19(c) Supplier's phone and facsimile number	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	BPCPA 19(d) Date when contract is entered into	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	BPCPA 19(e) Detailed description of goods/services to be supplied	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28	BPCPA 19(f) Itemized purchase price for goods/services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29	BPCPA 19(g) Costs payable including taxes and shipping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30	BPCPA 19(h) Description of additional charges that may apply which cannot be reasonably determined by the supplier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31	BPCPA 19(i) Detailed statement of the terms of payment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

32	BPCPA 19(j) Total price	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33	BPCPA 19(m) Notice of the consumer's right to cancellation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34	BPCPA 19(n) Any other restrictions, limitations or other T &C's that may apply to the supply of goods & services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35	BPCPA 36(c)(i) Listed fee charged for storing cremated remains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36	BPCPA 36(c)(ii) Statement that no fee is charged until 60 days after date of cremation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37	BPCPA 36(d) A space for the written acknowledgment by consumer that they received the initial disclosure statement in Section 35 of the BPCPA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38	BPCPA 36(2) The supplier provides a copy of the contract within 15 days after the contract was entered into	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRENEED TRUST ONLY				
39	BPCPA 36(1)(b)(i) Portion of trusted monies that will be refunded upon cancellation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40	BPCPA 36(1)(b)(ii) List the name of the financial institution that is the trustee of the preneed trust account	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41	BPCPA 36(1)(b)(iii) Information about administration of trust account including information respecting investment of money in the account	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PRENEED TRUST ACCOUNT				
42	BPCPA 40(3) Are monies deposited, within 5 days of receipt, into a preneed interim account or preneed trust account?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43	BPCPA 40(4)(b) Are monies deposited into the trust account within 21 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
44	BPCPA 40(5) Are at least 80% of the preneed sale proceeds deposited into the trust account?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
45	BPCPA 40(6) Is there a written trust agreement between the savings institution and the place of interment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
46	BPCPA 40(7) & (8) Are the T&C's of the trust agreement being met prior to the discharge of trusted monies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
47	BPCPA 40(10)(a) Does the consumer get written notice within 15 days of the first time deposit is made into the trust account?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
48	How are trusted monies identified? _____			

For more information about your obligations as a licensed business, our processes and our organization, please visit www.consumerprotectionbc.ca.