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A special note related to the COVID-19 pandemic

Due to the pandemic, Consumer Protection BC stopped doing in-person inspections of our licensed businesses in March 2020.

Since then, we have learned more about the impact of COVID-19 in the marketplace and on you, as one of our licensed businesses. We are confident that we can now resume in-person inspections safely and we wanted to let you know that we are starting to do inspections again at business locations.

With a few exceptions, our standard inspections policies and rules apply, as outlined in this inspection guide. This also means that unless there are mitigating circumstances specific to your business practices, no advance notice of inspection will be made.

We take safety seriously.

Your safety and the safety of our staff matter to us.

Here are some of the changes we've made:

- Inspectors will wear N-95 masks when at the site to be inspected.
- Inspectors will have their own supply of PPE and will sanitize their hands and other surfaces every 30 minutes when onsite at inspection.
- Inspectors will ask for licensee-employees to wear masks when communicating with, or in the same room as the Inspector. Failing this, the licensee/employees will be asked to remain 2 meters distant from the Inspector at all times.
- Inspectors will allow for their credentials to be examined (from a distance) and will only provide business cards when requested to do so.
- Inspectors will attempt to isolate themselves in a private area of the business while they perform the administrative functions of the inspection.
- Inspectors will select items to be inspected rather than the usual practice of allowing the licensee's employees assist with that process.

Our Inspectors must also complete a wellness self-assessment before they start any work outside their current base.

Inspectors will also ask you about the status of the location being inspected. These questions will include:

- Have any employees at the location been diagnosed with Covid-19 within the last 2 weeks?
- Is anyone at the licensed location suffering from illness or Covid-19 symptoms?

If you have questions about our protocols and processes, the best option is to speak to the Inspector that engages with you during an inspection.

Thank you,

The Consumer Protection BC Regulatory Services group



Introduction

Consumer Protection BC is responsible for the administration and enforcement of the *Business Practices and Consumer Protection Act* (BPCPA), the *Ticket Sales Act* (TSA), the *Cremation Interment and Funeral Services Act* (CIFSA), and the Cremation Interment Funeral Services Regulation (CIFSR). The BPCPA, CIFSA, and CIFSR 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 operate your business in compliance with the laws and conditions on your license. 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 contained herein.

This guide serves as a reference so you know what to expect and how to prepare for an inspection conducted by a Consumer Protection BC Inspector.

This is a general overview of the 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 the operation of your licensed business. We recommend that you get copies of the legislation and review it in detail. You can find them <u>online</u> or printed versions may be ordered from:

Crown Publications Inc. 563 Superior Street Victoria, BC, V8V 1T7

TF: 1.800 663.6105 Fax: 250.387.1120

For more general information, we can be reached at:

Consumer Protection BC #321-3600 Uptown Blvd. Victoria, BC V8Z 0B9

TF: 1.888.564.9963 Fax: 250. 920-7181 E: operations@consumerprotectionbc.ca

W: www.consumerprotectionbc.ca



Background: our responsibilities

The role of Consumer Protection BC

Consumer Protection BC licenses and inspects regulated businesses, responds to consumer inquiries, investigates alleged violations of consumer protection laws, classifies all general release and adult films, and provides information and referrals to consumers.

As part of our responsibility to ensure compliance with the law and conditions on a licence, we regularly perform risk-based 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 voluntary compliance with the law or some form of enforcement action being taken by the Director, 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 compliance with the laws and licensing conditions as it relates to the operation of your business. You are also responsible for ensuring your employees and agents are acting in compliance with the laws and licensing conditions applicable to your 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 of the laws we administer. A person who obstructs, hinders, or makes misleading statements to an inspector is subject to prosecution under the Offence Act.

Inspection process

Scheduling and notification

Inspectors attend businesses located throughout the Province, sometimes arriving unannounced. The BPCPA, CIFSA and MPA allows for an inspector to enter a business at any reasonable time to determine compliance with the law, conditions on a licence, 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 BPCPA and CIFSA 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. The inspector may discuss any non-compliance identified during the inspection at this time. A Certification of Inspection will be prepared by the inspector and a digital copy will be emailed to you at the email address identified in your My Account set up with Consumer Protection BC.

In order to receive the digital copy of the Certificate of Inspection, you must have your My Account set up. If your email is not entered into the My Account, you will not receive the Certificate of Inspection and other pertinent documents related to the inspection. To setup your My Account, please go to www.consumerprotectionbc.ca and select "MyAccount Login" or contact operations@consumerprotectionbc.ca for assistance.

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 update the Inspection Checklist¹ and email you a report with the results of the inspection to the email address you provided in My Account. The report will identify any alleged violations that you must correct and/or any alleged violations for which the inspector recommends that enforcement action be taken by the Director. Any further instruction(s) will be noted in the inspector's notes in the report.

For more information on the enforcement process, please see the section below entitled "Enforcement."

We may conduct a follow up inspection to ensure that non-compliance found at the previous inspection is corrected.

Enforcement

If an inspector detects violations that they believe should proceed to enforcement hearing, they will notify you of these alleged contraventions in the report issued after the inspection. The inspector will also prepare a Report to the Director (RD) document for the Director 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 hearing and the evidence the inspector is relying on to support the allegation(s). You

¹ See Appendix – Inspection Checklist



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 the delegated decision maker.

Before deciding to impose an Administrative Monetary Penalty ("AMP") and calculating the amount of the AMP, the decision-maker will consider the factors set out in section 164(2) of the BPCPA. To calculate the amount of the AMP the decision-maker will normally apply the policy of Consumer Protection BC, "Calculating Administrative Monetary Penalties Policy and Procedures.", including its AMP Penalty Matrix. This policy is available on the website of Consumer Protection BC at www.consumerprotectionbc.ca. You can access the policy electronically by clicking the following link: Admin Penalty Policy and Procedure.

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 while inspectors attend businesses to test for compliance with the laws we administer and any conditions we have imposed on a licence, they are also there to educate and answer questions. Please feel free to approach them about any business issues or problems related to the laws we administer.

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 examine during the inspection, please read a sample inspection checklist (Appendix-Inspection Checklist). Note: the items on the checklist are not an exhaustive list of the items an inspector may examine.

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 in advance 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 of the law.



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.

_ con	NSUMER	Licen	ce #:	
PROTECTION BC		e of Inspection:		
		· 		
Question	PLACES OF INTERNMENT INSPECTION REPORT	Y	N	N/A
	GENERAL BUSINESS INFORMATION			
1	Does the place of interment deal directly with the public?			
2	Does the place of interment execute preneed cemetery services contracts?			
3	Is the operator a municipality, regional district or commercial place of business?			
4	Who provides maintenance services at the place of interment?			
5	If the place of interment enters into preneed cemetery services contracts funded by way of trust, what amount is retained as selling expenses?			
6	Where are the operator's records stored?			
GENERAL FACILITY & PROPERTY				
7	BPCPA 31(1)(a) to (f) If the operator deals with the public, did the price list include complete list of products supplied, the effective date and other required information?			
8	BPCPA 31(2)(a) If the operator deals with the public, was the price list displayed in a conspicuous location readily accessible to the public?			
9	BPCPA 31(2)(b) If the operator deals with the public, was the price list readily available upon request?			
10	CIFSR 11 Was the operator using a registered name or DBA in advertisements and when otherwise carrying on business?			
11	CIFSR 12(1) Was the operators business address listed in all directories, advertising and marketing materials?			
12	CIFSR 12(2) Did the operator declare ownership by a public company in all its letterheads, advertising and other marketing materials?			



Question	PLACES OF INTERNMENT INSPECTION REPORT	Y	N	N/A
13	CIFSA 42(3) Did the operator have up to date maps and plans for the subdivisions of lots, columbariums or mausoleums?			
	CARE FUND (as applicable to governments, commercial operators)			
14	Has the Director required the operator to have a care fund?			
15	CIFSA 28(4) [Private Operators] and/or CIFSR 22(4)(a) [Municipal / Gov't Operators] Are the funds in the care fund held separate and apart from other funds?			
16	CIFSA 28(5) [non-government commercial operators] Did the operator have a written trust agreement with a savings institution in British Columbia?			
17	CIFSA 28(3) and CIFSR 20(2) Was at least 25% or, if applicable the amount from CIFSR Schedule 1, of the purchase price for interment rights, being deposited to the operator's care fund?			
18	CIFSA 28(3) and CIFSR 20(4) and/or Schedule 1 of CIFSR Was the correct amount of funds being deposited into the care fund after it sold interment rights in mausoleums or columbariums?			
19	CIFSA 28(3) and CIFSR 20(5) Has at least \$10 for each memorial installed been deposited to the care fund?			
	GENERAL MAINTENANCE FUND (If no CARE FUND required)			
20	Is there a bank account for the general care and maintenance of the property? List institution, account number and balance:			
21	Are the funds in the maintenance bank account held separate and apart from the operating account?			
22	What type of account is it:			
23	Are the funds available to the Operator sufficient to support the ongoing care and maintenance of the place of interment?			
24	CIFSA 36(a) If the Director has not ordered a care fund be put in place, is the operator providing a reasonable level of care and maintenance?			
	PRENEED CEMETERY SERVICES CONTRACT (AS APPLICABLE)			
23	BPCPA 19(a) & BPCPA 36(1)(a) Did the preneed cemetery services contracts list the operator's name or DBA?			
24	BPCPA 19(b) & BPCPA 36(1)(a) Did the preneed cemetery services contracts list the operator's business address?			
25	BPCPA 19(c) & BPCPA 36(1)(a) Did the preneed cemetery services contracts list the operator's phone and facismile number?			
26	BPCPA 19(d) & BPCPA 36(1)(a) Did the preneed cemetery services contracts list the date when the contracts were executed?			



Question	PLACES OF INTERNMENT INSPECTION REPORT	Y	N	N/A
27	BPCPA 19(e) & BPCPA 36(1)(a) Did the preneed cemetery services contracts contain a detailed description of goods/services to be supplied?			
28	BPCPA 19(f) & BPCPA 36(1)(a) Did the preneed cemetery services contracts have an itemized purchase price for goods/services to be supplied?			
29	BPCPA 19(g) & BPCPA 36(1)(a) Did the preneed cemetery services contracts list all the costs payable including taxes and shipping?			
30	BPCPA 19(h) & BPCPA 36(1)(a) Did the preneed cemetery services contracts list a description of charges that may apply to the contract and for which the supplier cannot determine the exact cost?			
31	BPCPA 19(i) & BPCPA 36(1)(a) Did the preneed cemetery services contracts have a detailed statement related to the terms of payment under the contracts?			
32	BPCPA 19(j) & BPCPA 36(1)(a) Did the preneed cemetery services contracts list the total price payable under the contracts?			
33	BPCPA 19(m) & BPCPA 36(1)(a) If any existed or were prescribed, did the preneed cemetery services contracts contain a notice of the consumers rights of cancellation under the contracts?			
34	BPCPA 19(n) & BPCPA 36(1)(a) Did the preneed cemetery services contracts list any other restrictions, limitations or other T&C's that apply to the contracts?			
35	BPCPA 36(1)(c) If the operator charges for the storage, did the preneed cemetery cervices contracts list the charges for storing cremated remains?			
36	BPCPA 36(1)(c)(ii) If the operator charges a fee for storing cremated remains, is there a statement that this fee is not charged until 60 days after the date of cremation?			
37	BPCPA 36(1)(d) Was there a space for the written acknowledgement from consumers that the initial disclosure statement required by BPCPA 35 had been made?			
38	BPCPA 36(2) Did the operator give copies of preneed cemetery services contracts to consumers within 15 days of the contracts being executed?			
TRUST FUNDED PRENEED CEMETERY SERVICES CONTRACTS				
39	BPCPA 36(1)(b)(i) Did the preneed cemetery services contracts list the portion of trusted monies that would be refunded upon cancellation of the contracts?			
40	BPCPA 36(1)(b)(ii) Did the preneed cemetery services contracts list the name of the financial institution that was to be the trustee of the preneed trust bank account?			
41	BPCPA 36(1)(b)(iii) Did the preneed cemetery services contracts list information about administration and investment of funds held in the trust bank account?			



Question	PLACES OF INTERNMENT INSPECTION REPORT	Υ	N	N/A
PRENEED TRUST BANK ACCOUNT (as applicable)				
42	BPCPA 40(3) Has the operator been depositing money received under preneed cemetery services contracts funds into a preneed interim bank account or preneed trust account within 5 days?			
43	BPCPA 40(4)(b) Has the operator been depositing money received under preneed cemetery services contracts into a trust account within 26 days of receipt if preneed interim account used?			
44	BPCPA 40(5) Has the operator been depositing at least 80% of the funds received under preneed cemetery services contracts into its preneed trust bank account?			
45	BPCPA 40(6) Does the operator have a written trust agreement with the savings institution that is the trustee of the trust bank account?			
46	BPCPA 40(7) Does it appear that withdrawals from the preneed trust account are only for services rendered, cancellations or payment of trust account administration fees?			
47	BPCPA 40(8) Have payments out of the trust bank account been made only after requests made in writing the operator has performed under preneed contracts or contract cancellations?			
48	BPCPA 40(10)(a) Has the operator given written notice to the consumers that deposit has been made into the trust bank account, within 15 days of the funds being deposited?			
	INTERMENT RIGHT CONTRACTS			
49	CIFSR 27(2)(a) & (b) Has the operator kept and original or copy of each executed interment right contract and any transfer of interment rights information?			
50	BPCPA 19(a) & 43(1) Did the interment right contracts contain the operator's name or DBA?			
51	BPCPA 19(b) & 43(1) Did the interment right contracts contain the operator's business address or if different, its mailing address?			
52	BPCPA 19(c) & 43(1) Did the interment right contracts contain the operator's phone and facsimile numbers?			
53	BPCPA 19(d) & 43(1) Did the interment right contracts contain the date when contracts were executed?			
54	BPCPA 19(e) & 43(1) Did the interment right contracts contain a detailed description of goods and services to be supplied under the contracts?			
55	BPCPA 19(f) & 43(1) Did the interment right contracts contain an itemized purchase price for the goods and services sold?			
56	BPCPA 19(g) & 43(1) Did the interment right contracts detail all costs payable under the contracts including taxes and shipping?			



Question	PLACES OF INTERNMENT INSPECTION REPORT	Υ	N	N/A
57	BPCPA 19(h) & 43(1) Did the interment right contracts contain some description of additional charges which may not have been able to be known by the operator at the time of the contract execution?			
58	BPCPA 19(i) & 43(1) Did the interment right contracts contain a detailed statement about the erms of payments due under the contracts?			
59	BPCPA 19(j) & 43(1) Did the interment right contracts contain the total price payable under the contracts?			
60	BPCPA 19(n) & 43(1) Did the interment right contracts contain any other restrictions, limitations or other terms and conditions applicable under the contracts?			
61	BPCPA 43(1)(b)(i) to (iii) If applicable, did the interment right contracts contain the terms and conditions about when and how a refund will be made if an interment right is not exercised?			
62	BPCPA 43(1)(c)(i) If applicable, did the interment right contracts contain terms and conditions about consumers who have to exercise a right of interment after development of a lot at a later time?			
63	BPCPA 43(1)(c)(ii) If applicable, did the interment right contracts contain earliest date which the interment right could be exercised?			
64	BPCPA 43(1)(d) did the interment right contracts include information related to the circumstances in CIFSR in which the operator could reclaim the right of interment?			
65	CIFSR 25(1) If the operator has reclaimed interment rights previously sold, did they comply with the requirement to receive permission from the Director and for only for permitted lots?			
66	Has the operator reclaimed any interment right previously sold? If so, last date this was done and the number of lots reclaimed:			
	RCORDS RELATED TO INTERMENTS			
67	CIFSR 27(1)(a) Did the operator's records contain the names of the deceased interred at the cemetery?			
68	CIFSR 27(1)(a) Did the operator's records contain the names of the deceased interred at the cemetery?			
69	CIFSR 27(1)(c) Did the operator's records list the name and mailing address of a person who had a kinship relationship with deceased?			
70	CIFSR 27(1)(d) Did the operator's records contain a copy of the written authorization required under CIFSA 8(1) and the address of the person who had right to control the disposition?			
71	CIFSR 27(1)(e) Did the operator's records have copy of the burial permit for all human remains interred at the cemetery?			
72	CIFSA 16(2) If the operator has exhumed or disinterred remains, did it done so only after proper approval from the Director was obtained?			



Question	PLACES OF INTERNMENT INSPECTION REPORT	Υ	N	N/A		
	PLACE OF INTERMENT BYLAWS					
73	CIFSA 39(1)(a)(i) Did the operator have bylaws respecting organization, operation and management of the place of interment?					
74	CIFSA 39(1)(a)(ii) Di the operator's bylaws contain information about the rights, privileges and responsibilities of the operator and visitors to the place of interment?					
75	CIFSA 39(1)(a)(iii) Did the operator's bylaws have information respecting the rights, privileges and responsibilities of interment right holders at the place of interment?					
76	CIFSA 39(1)(a)(iv) Did the operator's bylaws have information about the size, class kind and composition of memorials that may be installed at the place of interment?					
78	CIFSA 39(4) Did the inspector believe that the operator's bylaws were compliant with the requirement to not be unjust, unreasonable, unduly restrictive or discriminatory?					

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