



COMPLIANCE ORDER

IN THE MATTER OF

***THE BUSINESS PRACTICES & CONSUMER PROTECTION ACT, S.B.C. 2004 c. 2 and
THE CREMATION INTERMENT AND FUNERAL SERVICES ACT, S.B.C. 2004 c.35 and
THE CREMATION INTERMENT AND FUNERAL SERVICES REGULATION***

Respondent: Drake Smith

Adjudicator: Tegan Scardillo, Director of Business Practices and Classification

Date of Order: November 15, 2021

In accordance with notice requirements under the *Business Practices and Consumer Protection Act* (“BPCPA”) section 155 and *Cremation Interment and Funeral Services Act* (“CIFSA”) section 56(2)(c), the respondent has been found to have committed a contravention of the *Cremation Interment and Funeral Service Regulation* section 38(1)(a) by failing to complete the minimum required six hours of training in a program of funeral services approved by the Director during the past two-year successive period (August 10, 2019 to August 10, 2021) from when the licence was first issued.

Pursuant to section 155(4)(c)(d) of the BPCPA and section 56(2)(c) of the *Cremation Interment and Funeral Services Act*, this Compliance Order requires:

1. That the 6 hours of credits in a program of funeral services taken by the respondent on September 10, 2021, be applied to the previous successive period of 2019 – 2021 to satisfy the educational requirements for that period. For clarity, the respondent must still complete the minimum education requirements during the current two-year period of August 7, 2021 to August 7 2023.
2. Before December 15, 2021, make payment to Consumer Protection BC the amount of \$150.00 as partial reimbursement for inspection costs.

RECONSIDERATION PROCESS

BPCPA section 181 of the CIFSA section 60 provide, in part, that a person may request a reconsideration of a compliance order.

The request must be in writing and identify the error believed was made or other grounds.

Section 182 of the BPCPA provides that the Director may reconsider determinations and may confirm, vary, or cancel a determination. A decision to vary or cancel a determination may only be made if the Director is satisfied that new evidence has become available or has been discovered that:

- is substantial and material to the determination, and
- did not exist at the time of the review or did exist at that time but was discovered and could not through the exercise of reasonable diligence have been discovered.

Pursuant to BPCPA section 181(1) and CIFSA section 60(5), a person may request the Director to reconsider a determination within 30 days of receiving the order, or within a period specified by the director if any special circumstances exist.

There is a \$252.00 (two hundred fifty-two dollar) reconsideration application fee which must be submitted with the request for reconsideration. The fee will be refunded to the applicant if the reconsideration results in the full reversal of the decision.

A decision on reconsideration is final and may only be judicially reviewed.

Information on the reconsideration process can be found at www.consumerprotectionbc.ca.

A request for reconsideration should be addressed to:

Consumer Protection BC
Attn: Director
200 – 4946 Canada Way
Burnaby, B.C. V5G 4H7

SUMMARY

The respondent is required to comply with this Order made under the BPCPA and CIFSA, and, at the request of this office, provide proof of compliance with the Order. If the respondent does not comply with this Order, the director may impose an administrative penalty of not more than \$5,000.00 on an individual and/or not more than \$50,000.00 on a corporation.

This Order may be filed in Supreme Court. Once filed, the Order is deemed to be an Order of the Supreme Court of British Columbia and enforceable as such.



Tegan Scardillo
Director of Business Practices and Classification

November 15, 2021

Date

Method of Service: email