



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: David Card

Adjudicator: Tegan Scardillo, Director of Business Practices and Classification

Date of Order: January 14, 2022

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) and 38(1)(b) by failing to complete the minimum required six hours of training in a program of funeral services and by failing to complete the minimum required six hours of training in a program of embalming services approved by the Director during the past two-year successive period (September 15, 2019 to September 15, 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. The 3 hours acquired in a program of funeral services and 5 hours acquired in a program of embalming services (from November 2021) be applied to the 2019 – 2021 period.
2. Before February 14, 2022, complete 3 hours in an approved program of funeral services and complete 1 hour in an approved program of embalming services. These hours of approved training will be credited to the respondent’s continuing education requirements for the two-year period of September 15, 2019, to September 15, 2021 in order to satisfy minimum training requirements for the period. For clarity, these ordered hours of approved training in embalming services and funeral services are in addition to the minimum hours of approved training the respondent must complete during the current two-year period of September 15, 2021 to September 15, 2023.
3. Before February 19, 2022, provide Consumer Protection BC with certificates of completion for the approved training required in paragraph 2.

4. Before February 14, 2022, 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 \$262.00 (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

January 14, 2022

Date

Method of Service: email