
Citation: *Financial and Consumer Services Commission v. 9206-4880 Québec Inc.*, 2020 NBFCST 3

PROVINCE OF NEW BRUNSWICK
FINANCIAL AND CONSUMER SERVICES TRIBUNAL
IN THE MATTER OF THE *DIRECT SELLERS ACT*, R.S.N.B. 2011, c. 141, and the *COST OF CREDIT DISCLOSURE AND PAYDAY LOANS ACT*, S.N.B. 2002, c. C-28.3

Date: March 19, 2020
Docket: CA-001-2020

BETWEEN:

Financial and Consumer Services Commission,

Applicant,

– and –

**9206-4880 Québec Inc., carrying on business under the name
RH Entreprises / les Entreprises RH Isolation et
Décontamination,**

Respondent.

ORDER

1. The Applicant filed an application on January 31, 2020, seeking an interim order prohibiting the Respondent from carrying on any or all the activities regulated under the *Direct Sellers Act*, R.S.N.B. 2011, c. 141, and the *Cost of Credit Disclosure and Payday Loans Act*, S.N.B. 2002, c. C-28.3;
2. The hearing of the application was scheduled for March 9, 2020;

3. This hearing was postponed until April 1, 2020, to allow Ian Girard, the Respondent's lawyer, to review the file and to take the necessary measures to protect the Respondent's interests;
4. On March 16, 2020, the Tribunal issued a notice regarding the COVID-19 pandemic, stating that all matters were adjourned, except for urgent matters;
5. On March 17, 2020, the Tribunal advised the parties that this matter was an urgent matter and, therefore, the hearing scheduled for April 1st would proceed by teleconference in order to minimize the risks to the lawyers and the parties, as well as to the members and employees of the Tribunal;
6. On March 18, 2020, the Respondent requested that the hearing scheduled for April 1, 2020, be adjourned until May 15, 2020, due to the quarantine and distancing measures recently put in place throughout Canada to avoid the spread of the COVID-19 virus, measures that have made it very difficult for the Respondent to gather the affidavits and evidence necessary for its defence to the application;
7. The quarantine and distancing measures that are currently in place with respect to the COVID-19 virus are not expected to improve considerably by April 1, 2020;
8. The Respondent provided a very broad undertaking to refrain from carrying on business in New Brunswick beginning on March 6, 2020, as stated in the order of the Tribunal dated March 9, 2020, granting the adjournment of the hearing scheduled for March 9, 2020;
9. On March 18, 2020, the Respondent reiterated its undertaking to refrain from carrying on business in New Brunswick until the hearing of the application, in the event the hearing scheduled for April 1st is adjourned;
10. The Financial and Consumer Services Commission did not provide any allegations or evidence that the Respondent is failing to honour its undertaking;
11. The Financial and Consumer Services Commission consents to the request for an adjournment in light of the undertaking provided by the Respondent;
12. The Tribunal's mandate is to protect the public interest;
13. The risk to New Brunswickers is minimized given the undertaking provided by the Respondent.

THEREFORE, IT IS HEREBY ORDERED:

1. The application is adjourned *sine die* given the uncertainty surrounding the COVID-19 pandemic;
2. The Respondent shall maintain its undertaking to refrain from carrying on business in New Brunswick until a decision has been rendered on the application;

3. Should the Respondent breach its undertaking, the Financial and Consumer Services Commission shall be entitled to request a temporary order under the *Direct Sellers Act* or the *Cost of Credit Disclosure and Payday Loans Act*;
4. Should the Respondent wish to proceed with a hearing of the application at a later date, it may inform the Tribunal, which will decide on the form of the hearing.

DATED this 19th day of March, 2020.

Mélanie McGrath

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Tribunal Member