



Citation: *Financial and Consumer Services Commission v. 9206-4880 Québec Inc.*, 2020 NBFCST 2

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 9, 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

WHEREAS:

1. The Applicant filed an application on January 31, 2020 seeking an interim order prohibiting the Respondent from carrying on any or all of 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. On March 6, 2020, Ian Girard notified the Registrar of the Tribunal that he had been retained to represent the Respondent in this matter;
4. In his letter dated March 6, 2020, Mr. Girard requested that the hearing scheduled for March 9, 2020 be adjourned to give him the time needed to review the file and to take the necessary measures to

protect the Respondent's interests;

5. The Respondent has agreed to refrain from carrying on business in New Brunswick until the application has been decided, in the event the hearing scheduled for March 9, 2020 is adjourned;
6. The Financial and Consumer Services Commission does not consent to the request for an adjournment for the following reasons:
 - (a) the Respondent does not hold a licence under the *Direct Sellers Act* and the *Cost of Credit Disclosure and Payday Loans Act*, and is therefore not authorized to carry on business under these Acts;
 - (b) the sole purpose of the Commission's application for an interim order is to obtain an interim order preventing the Respondent from engaging in regulated activities in the future;
 - (c) the order sought is solely for the period during which the Commission conducts its investigation, during which time the Respondent will have ample time to find a lawyer; and
 - (d) the Respondent has already indicated, by e-mail sent at 1:59 p.m. on February 10, 2020, that it does not object to the application;
7. The Tribunal's mandate is to protect the public interest;
8. The allegations raised in the application are serious and must be determined in a timely manner.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The request for an adjournment is granted;
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*.

DATED this 9th day of March, 2020.

Lucie LaBoissonnière

Lucie LaBoissonnière
Tribunal Member