



ORDER NUMBER
G-196-23

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

Lake Okanagan Resort
Penalty for the Confirmed Violation of Sections 42 and 43 of the *Utilities Commission Act*

BEFORE:

T. A. Loski, Panel Chair
W. M. Everett, KC, Commissioner

on July 24, 2023

ORDER

WHEREAS:

- A. By Order G-123-23 and accompanying Reasons for Decision dated June 1, 2023, the British Columbia Utilities Commission (BCUC) determined that Lake Okanagan Resort (LOR) contravened sections 42 and 43 of the *Utilities Commission Act* (UCA) by failing to comply with the notice requirements and deadlines set out in BCUC Order G-71-23 (Confirmed Contraventions);
- B. Part 8.1 of the UCA and section 3 (1) of the Administrative Penalties Regulation empower the BCUC to impose administrative penalties and set financial limits for contraventions of the Act;
- C. Section 109.2(3) of the UCA requires the BCUC to consider 12 factors prior to imposing administrative penalties, as follows:
 - a) previous contraventions by, administrative penalties imposed on and orders issued to the following:
 - (i) the person;
 - (ii) if the person is an individual, a corporation for which the individual is or was a director, officer or agent;
 - (iii) if the person is a corporation, an individual who is or was a director, officer or agent of the corporation;
 - b) the gravity and magnitude of the contravention;
 - c) the extent of the harm to others resulting from the contravention;
 - d) whether the contravention was repeated or continuous;
 - e) whether the contravention was deliberate;
 - f) any economic benefit derived by the person from the contravention;
 - g) the person's efforts to prevent and correct the contravention;
 - h) the cost of compliance with the provision contravened;
 - i) whether the person self-reported the contravention;
 - j) the degree and quality of cooperation during the commission's investigation;

- k) any undue hardship that might arise from the amount of the penalty; and
 - l) any other matters prescribed by the Lieutenant Governor in Council;
- D. On July 10, 2023, BCUC staff submitted a report recommending the BCUC impose an administrative penalty on LOR for the Confirmed Contraventions (Staff Report); and
- E. The BCUC determines that a public hearing for the determination of any penalties for the Confirmed Contraventions is warranted.

NOW THEREFORE the BCUC orders as follows:

1. A public hearing is hereby established in accordance with the regulatory timetable set out in Appendix A of this order.
2. LOR may file by no later than 30 days of this Order:
 - i. a submission indicating LOR's acceptance of the recommended penalty amount set out in the Staff Report; or
 - ii. a submission regarding the Confirmed Contraventions addressing each of the 12 factors listed in section 109.2(3) of the UCA and a proposed penalty amount, and any evidence LOR seeks to submit.

DATED at the City of Vancouver, in the Province of British Columbia, this 24th day of July 2023.

BY ORDER

Original signed by:

T. A. Loski,
Commissioner

Lake Okanagan Resort
Penalty for the Confirmed Violation of Sections 42 and 43 of the *Utilities Commission Act*

REGULATORY TIMETABLE

Action		Date (2023)	
LOR submission and evidence (if any)		Wednesday, August 23	
Further process (if required)		To be determined	