J.4 – Compliance Policies

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Council's mandate to protect the public is accomplished in part by reviewing the conduct of licensees and assessing whether they are acting in accordance with the requirements.

Where licensees act in a non-compliant manner, Council can take action to achieve certain objectives, first and foremost being the protection of the public.

In carrying out its compliance function, Council operates in a manner that is fair to all parties, is in keeping with the principles of natural justice, and which takes into consideration its responsibilities under the Act and FOIPPA.

Since the nature of compliance matters can be quite unique from one another, it is neither possible nor prudent to have policies that speak to specific approaches. Instead, the Compliance Policies are intended to guide Council toward achieving as much transparency as possible in the process.

1. Compliance Reviews

Pursuant to section 232 of the Act, Council can perform various investigative functions to establish the compliance of a licensee with the regulatory requirements. These functions include reviewing complaints against licensees, inspecting licensees' insurance practices, and investigating possible regulatory breaches with a view toward taking disciplinary action.

1.1 Communication with the Public

Where a possible compliance matter arises from a public complaint, Council staff will determine within 14 days whether a review will be undertaken and then advise the complainant of same. Every 60 days thereafter, and upon disposition of a review, the complainant is advised of any course of action undertaken by Council.

1.2 Communication with Agencies, Firms, and Nominees

It is in the interest of an agency or firm to ensure that any business being carried out on their behalf is in keeping with regulatory requirements. If a matter under review relates to the activities of an agency or firm, Council will communicate with the nominee of the agency or firm to ensure that any non-compliance is addressed pending conclusion of the review. If a matter under review involves an agency nominee or a firm nominee, or the matter raises

questions about the suitability of an agency or a firm, Council will communicate with the principals of the agency or firm to ensure that any non-compliance is addressed pending conclusion of the review.

Where a compliance matter involving a licensee of an agency or a firm arises but does not involve the activities of the agency or the firm, Council may consider whether, pursuant to section 238 of the Act, immediate action is necessary against the licensee to protect the public while a review of the matter is undertaken.

In identifying the principals of an agency or firm, Council will rely upon the British Columbia Corporate Registry records, as well as any information previously provided to Council.

2. Reporting to Council

If a compliance review is concluded on the basis that no action is necessary (i.e., concerns are unfounded or the concerns are minor in nature and have been resolved without any prejudice to the public), the matter is recorded on a licensee's file for future reference.

In the event that any stakeholder has a concern about the basis upon which a compliance review was concluded, information respecting the matter is provided to an RC (or to Council where an RC has already reviewed the matter) for consideration.