



**PROCESS SERVER OR REGISTERED MAIL**

Reference: 207345

June 12, 2014

«Contact»  
«Steward\_Name»  
«Address\_1», «Address\_2»  
«City», «Province» «Postal\_code»

Dear «Contact»:

Re: Warning Letter

Further to the Advisory Letter sent to you by the Ministry of Environment in «Date\_for\_merge», I am writing to inform you that the ministry is escalating its enforcement of the Recycling Regulation (B.C. Reg. 449/2004).

As you are aware from our earlier correspondence, the Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It continues to be our understanding that «Steward\_Name» is a producer of packaging and printed paper in the Province of British Columbia and that «Steward\_Name» has not submitted a plan or appointed an agent with an approved plan. Accordingly, it appears that «Steward\_Name» is in non-compliance with the Recycling Regulation and subject to escalating enforcement action by the Ministry.

As part of the Packaging and Printed Paper Compliance and Enforcement Plan, «Steward\_Name» may be subject to the following enforcement actions:

**Public Reporting**

The Ministry has found the public reporting of its enforcement actions to be a highly effective compliance mechanism. This can include the posting of warning letters such as these, as well as the reporting of other enforcement actions. Examples of the Ministry's current public reporting can be found at: <http://www.env.gov.bc.ca/main/compliance-reporting/>

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**Administrative Penalties**

An administrative penalty is a financial penalty that can be imposed on companies who fail to comply with a particular provision of a statute or regulation. As an administrative rather than criminal type of sanction, administrative penalties are calculated and imposed by designated Ministry officials instead of a court of law. Among other factors, the financial penalty calculation takes into consideration the economic benefits a company accrues by not complying. The administrative penalties program was approved by Cabinet in June 2014. Details on administrative penalties can be found here: [http://www.env.gov.bc.ca/epd/codes/admin-pen-reg/admin\\_penalty\\_information\\_paper.pdf](http://www.env.gov.bc.ca/epd/codes/admin-pen-reg/admin_penalty_information_paper.pdf)

**Prosecutorial Responses**

Without prejudice, you are advised that persons contravening Section 2 of the Recycling Regulation commit an offence and are liable for enforcement action, which can include violation tickets and court imposed fines of up to \$200,000 upon conviction.

It is the Ministry's intention to ensure that producers fulfil their obligation and fully comply with the Recycling Regulation. Ministry enforcement responses are guided by the Ministry's Compliance and Enforcement Policy which can be found here: <http://www.env.gov.bc.ca/main/compliance-reporting/>

Please advise this office by <August 1, 2014> how you have met your obligations under Section 2 of the Regulation. Failure to do so may result in the escalating enforcement action described above. If «Steward\_Name» has come into compliance with the Recycling Regulation since the issuance of this letter, please advise my office immediately.

If you require further information, please contact me by phone at: (250) 387-3588, or by email at: [Gwenda.Laughland@gov.bc.ca](mailto:Gwenda.Laughland@gov.bc.ca)

Yours truly,

Gwenda Laughland  
A/Director  
Waste Prevention  
Environmental Standards Branch

pc: Louise LeBoutillier, Senior Policy Analyst - Environmental Standards Branch

Steward Name	Address 1	Address 2	City	Province	Postal code
s.15			Vancouver	BC	s.15
			Burnaby	BC	
			Burnaby	BC	
			Burnaby	BC	
			Edmonton	AB	
			Toronto	ON	
			North Vancouver	BC	
			Peterborough	ON	
MTY Group (MTY Tiki Ming Enterprises Inc.)	8150, Autoroute Transcanadienne	Suite 200	Saint-Laurent	QC	H4S 1M5
s.15			Vaughan	ON	s.15

Steward Name	Address 1
s.15	
Emperor Holdings Ltd.	12155 Vulcan Way
s.15	



s.15	Address 2	City	Province	Postal code
		Ajax	ON	s.15
		Mississauga	ON	
		Toronto	ON	
		Saanichton	BC	
		Vancouver	BC	
		Vancouver	BC	
		Richmond	BC	
	Suite 150	Richmond	BC	V6V 1J7
s.15		Seattle	WA	s.15
		Surrey	BC	
		Richmond	BC	
		Coquitlam	BC	
		Baie D'Urfe	QC	
		Kelowna	BC	



## **PROCESS SERVER**

Reference: 207345

September 8, 2014

«Contact»  
«Steward\_Name»  
«Address\_1» «Address\_2»  
«City», «Province» «Postal\_code»

Dear «Contact»:

Re: Warning Letter

Further to the Advisory Letter sent to you in «Date\_for\_merge» by the Ministry of Environment, I am writing to inform you that the Ministry is escalating its enforcement of the Recycling Regulation (B.C. Reg. 449/2004).

As you are aware from our earlier correspondence, the Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It continues to be our understanding that «Steward\_Name» is a producer of packaging and printed paper in the Province of British Columbia and that «Steward\_Name» has not submitted a plan or appointed an agent with an approved plan. Accordingly, it appears that «Steward\_Name» is in non-compliance with the Recycling Regulation and subject to escalating enforcement action by the Ministry.

As part of the Packaging and Printed Paper Compliance and Enforcement Plan, «Steward\_Name» may be subject to the following enforcement actions:

### **Public Reporting**

The Ministry has found the public reporting of its enforcement actions to be a highly effective compliance mechanism. This can include the posting of warning letters such as these, as well as the reporting of other enforcement actions. Examples of the Ministry's current public reporting can be found at: <http://www.env.gov.bc.ca/main/compliance-reporting/>

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### **Administrative Penalties**

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### **Prosecutorial Responses**

Without prejudice, you are advised that persons contravening Section 2 of the Recycling Regulation commit an offence and are liable for enforcement action, which can include violation tickets and court imposed fines of up to \$200,000 upon conviction.

It is the Ministry's intention to ensure that producers fulfil their obligation and fully comply with the Recycling Regulation. Ministry enforcement responses are guided by the Ministry's Compliance and Enforcement Policy which can be found here: <http://www.env.gov.bc.ca/main/compliance-reporting/>

Please advise this office by October 27, 2014 how you have met your obligations under Section 2 of the Regulation. Failure to do so may result in the escalating enforcement action described above. If «Steward\_Name» has come into compliance with the Recycling Regulation since the issuance of this letter, please advise my office immediately.

If you require further information, please contact me by phone at: (250) 387-3588, or by email at: [Gwenda.Laughland@gov.bc.ca](mailto:Gwenda.Laughland@gov.bc.ca)

Yours truly,

Gwenda Laughland  
A/Director  
Waste Prevention  
Environmental Standards Branch

pc: Louise LeBoutillier, A/Environmental Management Analyst - Environmental Standards Branch

<b>Company:</b>	<b>Address 1:</b>	<b>Address 2:</b>
Blenz The Canadian Coffee Company Ltd	2285 Clark Drive	Suite 250
Bosa Foods	1465 Kootenay Street	

s.15

Capilano University	2055 Purcell Way	
Davids Teas	5430 Ferrier	
Esquires Coffee Houses Inc	12823 Crescent Road	Suite 4

s.15

s.15

Fresh is Best	2972 West Broadway	
Freshslice Pizza	1610 Ingleton Avenue	
Grimms Fine Food	7680 Alderbridge Way	

s.15

Nando's Chicken Canada	13931 Sparwood Place	Suite 130
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s.15

Quizno's Canada Restaurant Corp	1267 Cornwall Road	Suite 301
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s.15

Waves Coffee House	715 Columbia Street	
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City	Province:	Postal Code:
Vancouver	BC	V5N 3G9
Vancouver	BC	V5K 4Y3
Coquitlam	BC	s.15
Burnaby	BC	
North Vancouver	BC	V7J 3H5
Vancouver	BC	s.15
Mount-Royal	QC	H4P 1M2
Surrey	BC	V4P 1J6
Vancouver	BC	s.15
Vancouver	BC	V6K 2G9
Burnaby	BC	V5C 5R9
Richmond	BC	V6X 2A2
Maple Ridge	BC	s.15
Vancouver	BC	
Richmond	BC	V6V 1X2
Surrey	BC	s.15
Oakville	ON	L6J 7T5
Kelowna	BC	s.15
Coquitlam	BC	
New Westminster	BC	V3M 1B2



## **PROCESS SERVER**

Reference: 272429

February 20, 2015

«Contact\_Person»  
«Position»  
«Company»  
«Address\_2», «Address\_1»  
«City», «Province» «Postal\_Code»

Dear «Contact\_Person»:

Re: Warning Letter

Further to the Advisory Letter sent to you in November 2014 by the Ministry of Environment, I am writing to inform you that the Ministry is escalating its enforcement of the Recycling Regulation (B.C. Reg. 449/2004).

As you are aware from our earlier correspondence, the Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It continues to be our understanding that «Company» is a producer of packaging and printed paper in the Province of British Columbia and that «Company» has not submitted a plan or appointed an agent with an approved plan. Accordingly, it appears that «Company» is in non-compliance with the Recycling Regulation and subject to escalating enforcement action by the Ministry.

As part of the Packaging and Printed Paper Compliance and Enforcement Plan, «Company» may be subject to the following enforcement actions:

### **Public Reporting**

The Ministry has found the public reporting of its enforcement actions to be a highly effective compliance mechanism. This can include the posting of a warning letter such as this, as well as the reporting of other enforcement actions. Examples of the Ministry's current public reporting can be found at: <http://www.env.gov.bc.ca/main/compliance-reporting/>

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### **Administrative Penalties**

An administrative penalty is a financial penalty that can be imposed on companies who fail to comply with a particular provision of a statute or regulation. As an administrative rather than criminal type of sanction, administrative penalties are calculated and imposed by designated Ministry officials instead of a court of law. Among other factors, the financial penalty calculation takes into consideration the economic benefits a company accrues by not complying.

Section 115 of the *Environmental Management Act* authorizes the Director to impose an administrative penalty for non-compliance with a prescribed provision of the Act or its regulations, subject to the procedures laid out in the Administrative Penalty (EMA) Regulation (B.C. Reg. 133/2014). This section also states that if a corporation contravenes the Act or regulation, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the contravention or failure is also liable under this section even though the corporation is liable for or pays an administrative penalty.

A penalty is calculated in accordance with the Administrative Penalty (EMA) Regulation (B.C. Reg. 133/2014) which governs the assessment of administrative penalties. The Regulation prescribes the maximum penalty that can be applied to this contravention and the factors that must be considered when calculating a penalty. In accordance with Part 2 section 36 of the regulation, a party who contravenes section 2 of the Recycling Regulation is liable to an administrative penalty of up to \$40,000. Further, as per section 7(2) of the Administrative Penalty (EMA) Regulation, the penalty can be applied each day the contravention continues, in this situation dating back to June 23, 2014 when Cabinet approved the regulation.

An overview of administrative penalties can be found on the Ministry website at:  
[http://www.env.gov.bc.ca/epd/codes/admin-pen-reg/admin\\_penalty\\_information\\_paper.pdf](http://www.env.gov.bc.ca/epd/codes/admin-pen-reg/admin_penalty_information_paper.pdf)

### **Prosecutorial Responses**

Without prejudice, you are advised that persons contravening Section 2 of the Recycling Regulation commit an offence and are liable for enforcement action, which can include violation tickets and court imposed fines of up to \$200,000 upon conviction.

It is the Ministry's intention to ensure that producers fulfil their obligation and fully comply with the Recycling Regulation. Ministry enforcement responses are guided by the Ministry's Compliance and Enforcement Policy which can be found on the Ministry website.

Please advise this office by March 30, 2015 how you have met your obligations under Section 2 of the Regulation. Failure to do so may result in the escalating enforcement action described above.

If «Company» has come into compliance with the Recycling Regulation since the issuance of this letter, please advise this office immediately.

If you would like additional information, please feel free to contact Compliance Officer Louise LeBoutillier by telephone at: 250-356-5413, or by email at: [Louise.LeBoutillier@gov.bc.ca](mailto:Louise.LeBoutillier@gov.bc.ca). Ministry staff are available to help determine your obligations under the Regulation and how best to discharge those obligations.

Yours truly,

Gwenda Laughland, Director  
Compliance Policy and Planning  
British Columbia Ministry of Environment

pc: Louise LeBoutillier, Compliance Officer – Waste Prevention, Environmental Standards Branch



Full legal Name	Address 2	Address 1
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s.15

Choices Markets	8188 River Way	
Extreme Retail Canada Inc.	11B Director Court	
Fatburger Canada Inc.	1901 Rosser Avenue	Suite 401
Flying Wedge Pizza	#202 - 4088 Cambie Street	
GNC Holdings Inc.	80 West Beaver Creek Road	Unit 12

s.15

KMS Tools and Equipment	1780 Versatile Drive	
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s.15

Ronsons Shoe Stores Ltd.	12495 Horseshoe Way	
Rothsay Holdings Ltd.	1756 Pandora Street	

s.15

The Body Shop International plc. <sup>TM</sup>	1 Yorkdale Road	Suite 510
The UPS Store, Inc.	1115 North Service Road West	Unit 1

s.15

Yum Brands Inc.	191 Creditview Road	Suite 100
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s.15

City	Prov / State	Postal	Country
Pittsburg	PA	s.15	USA
North Vancouver	BC		
Montréal	PQ		
Edmonton	AB		
Vancouver	BC		
Delta	BC	V4G 1K5	
Vaughan	ON	L4L 4S5	
Burnaby	BC	V5C 6S3	
Vancouver	BC	V5Z 2X8	
Richmond Hill	ON	L4B 1H3	
Vancouver	BC	s.15	
Port Coquitlam	BC		
Kamloops	BC	V1S 1S2	
Burlington	ON	s.15	
Edmonton	AB		
Richmond	BC	V7A 4X6	
Vancouver	BC	V5L 1M1	
San Francisco	CA	s.15	USA
Duncan	BC		
Toronto	ON	M6A 3AQ	
Oakville	ON	L6M 2V9	
Calgary	AB	s.15	
Kelowna	BC		
Vaughan	ON	L4L 9T1	
Montréal	PQ	s.15	



**«Delivery Method»**

Reference: 284816

June 12, 2015

«Contact»  
«Position»  
«Full\_legal\_Name»  
«Address\_1»  
«Address\_2»  
«City», «Prov\_\_State» «Postal» «Country»

Dear «Contact»:

Re: Warning Letter

Further to the Advisory Letter sent to you in «Advisory\_date» by the Ministry of Environment, I am writing to inform you that the Ministry is escalating its enforcement of the Recycling Regulation (B.C. Reg. 449/2004).

As you are aware from our earlier correspondence, the Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It continues to be our understanding that «Full\_legal\_Name» is a producer of packaging and printed paper in the Province of British Columbia and that «Full\_legal\_Name» has not submitted a plan or appointed an agent with an approved plan. Accordingly, it appears that «Full\_legal\_Name» is in non-compliance with the Recycling Regulation and subject to escalating enforcement action by the Ministry.

As part of the Packaging and Printed Paper Compliance and Enforcement Plan, «Full\_legal\_Name» may be subject to the following enforcement actions:

**Public Reporting**

The Ministry has found the public reporting of its enforcement actions to be a highly effective compliance mechanism. This can include the posting of a warning letter such as this, as well as the reporting of other enforcement actions. Examples of the Ministry's current public reporting can be found at: <http://www.env.gov.bc.ca/main/compliance-reporting/>

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**Administrative Penalties**

An administrative penalty is a financial penalty that can be imposed on companies who fail to comply with a particular provision of a statute or regulation. As an administrative rather than criminal type of sanction, administrative penalties are calculated and imposed by designated Ministry officials instead of a court of law. Among other factors, the financial penalty calculation takes into consideration the economic benefits a company accrues by not complying.

Section 115 of the *Environmental Management Act* authorizes the Director to impose an administrative penalty for non-compliance with a prescribed provision of the Act or its regulations, subject to the procedures laid out in the Administrative Penalties (Environmental Management Act) Regulation (B.C. Reg. 133/2014). This section also states that if a corporation contravenes the Act or regulation, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the contravention or failure is also liable under this section even though the corporation is liable for or pays an administrative penalty.

A penalty is calculated in accordance with the Administrative Penalty (EMA) Regulation (B.C. Reg. 133/2014) which governs the assessment of administrative penalties. The Regulation prescribes the maximum penalty that can be applied to this contravention and the factors that must be considered when calculating a penalty. In accordance with Part 2 section 36 of the regulation, a party who contravenes section 2 of the Recycling Regulation is liable to an administrative penalty of up to \$40,000. Further, as per section 7(2) of the Administrative Penalty (EMA) Regulation, the penalty can be applied each day the contravention continues, in this situation dating back to June 23, 2014 when Cabinet approved the regulation.

An overview of administrative penalties can be found on the Ministry website at:  
[http://www.env.gov.bc.ca/epd/codes/admin-pen-reg/admin\\_penalty\\_information\\_paper.pdf](http://www.env.gov.bc.ca/epd/codes/admin-pen-reg/admin_penalty_information_paper.pdf)

**Prosecutorial Responses**

Without prejudice, you are advised that persons contravening Section 2 of the Recycling Regulation commit an offence and are liable for enforcement action, which can include violation tickets and court imposed fines of up to \$200,000 upon conviction.

It is the Ministry's intention to ensure that producers fulfil their obligation and fully comply with the Recycling Regulation. Ministry enforcement responses are guided by the Ministry's Compliance and Enforcement Policy which can be found on the Ministry website.

Please advise this office by July 31, 2015 how you have met your obligations under Section 2 of the Regulation. Failure to do so may result in the escalating enforcement action described above.

If «Full\_legal\_Name» has come into compliance with the Recycling Regulation since the issuance of this letter, please advise this office immediately.

If you would like additional information, please feel free to contact Compliance Officer Louise LeBoutillier by telephone at: 250-356-5413, or by email at: [Louise.LeBoutillier@gov.bc.ca](mailto:Louise.LeBoutillier@gov.bc.ca). Ministry staff are available to help determine your obligations under the Regulation and how best to discharge those obligations.

Yours truly,

Gwenda Laughland, Director  
Compliance Policy and Planning  
British Columbia Ministry of Environment

pc: Cameron Lewis, Executive Director, Waste Prevention Branch  
Louise LeBoutillier, Compliance Officer, Waste Prevention Branch



**«Delivery Method»**

Reference: 286356

July 10, 2015

«Contact»  
«Position»  
«Full\_Legal\_Name»  
«Address\_1»  
«Address\_2»  
«City», «Prov\_\_State» «Postal»

Dear «Contact»:

Re: Warning Letter

Further to the Advisory Letter sent to you on «Advisory\_date» by the Ministry of Environment, I am writing to inform you that the Ministry is escalating its enforcement of the Recycling Regulation (B.C. Reg. 449/2004).

As you are aware from our earlier correspondence, the Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It continues to be our understanding that «Full\_Legal\_Name» is a producer of packaging and printed paper in the Province of British Columbia and that «Full\_Legal\_Name» has not submitted a plan or appointed an agent with an approved plan. Accordingly, it appears that «Full\_Legal\_Name» is in non-compliance with the Recycling Regulation and subject to escalating enforcement action by the Ministry.

As part of the Packaging and Printed Paper Compliance and Enforcement Plan, «Full\_Legal\_Name» may be subject to the following enforcement actions:

**Public Reporting**

The Ministry has found the public reporting of its enforcement actions to be a highly effective compliance mechanism. This can include the posting of a warning letter such as this, as well as the reporting of other enforcement actions. Examples of the Ministry's current public reporting can be found at: <http://www.env.gov.bc.ca/main/compliance-reporting/>

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**Administrative Penalties**

An administrative penalty is a financial penalty that can be imposed on companies who fail to comply with a particular provision of a statute or regulation. As an administrative rather than criminal type of sanction, administrative penalties are calculated and imposed by designated Ministry officials instead of a court of law. Among other factors, the financial penalty calculation takes into consideration the economic benefits a company accrues by not complying.

Section 115 of the *Environmental Management Act* authorizes the Director to impose an administrative penalty for non-compliance with a prescribed provision of the Act or its regulations, subject to the procedures laid out in the Administrative Penalties (Environmental Management Act) Regulation (B.C. Reg. 133/2014). This section also states that if a corporation contravenes the Act or regulation, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the contravention or failure is also liable under this section even though the corporation is liable for or pays an administrative penalty.

A penalty is calculated in accordance with the Administrative Penalty (EMA) Regulation (B.C. Reg. 133/2014) which governs the assessment of administrative penalties. The Regulation prescribes the maximum penalty that can be applied to this contravention and the factors that must be considered when calculating a penalty. In accordance with Part 2 section 36 of the regulation, a party who contravenes section 2 of the Recycling Regulation is liable to an administrative penalty of up to \$40,000. Further, as per section 7(2) of the Administrative Penalty (EMA) Regulation, the penalty can be applied each day the contravention continues, in this situation dating back to June 23, 2014 when Cabinet approved the regulation.

An overview of administrative penalties can be found on the Ministry website at:  
[http://www.env.gov.bc.ca/epd/codes/admin-pen-reg/admin\\_penalty\\_information\\_paper.pdf](http://www.env.gov.bc.ca/epd/codes/admin-pen-reg/admin_penalty_information_paper.pdf)

**Prosecutorial Responses**

Without prejudice, you are advised that persons contravening Section 2 of the Recycling Regulation commit an offence and are liable for enforcement action, which can include violation tickets and court imposed fines of up to \$200,000 upon conviction.

It is the Ministry's intention to ensure that producers fulfil their obligation and fully comply with the Recycling Regulation. Ministry enforcement responses are guided by the Ministry's Compliance and Enforcement Policy which can be found on the Ministry website.

Please advise this office by September 4, 2015 how you have met your obligations under Section 2 of the Regulation. Failure to do so may result in the escalating enforcement action described above.

If «Full\_Legal\_Name» has come into compliance with the Recycling Regulation since the issuance of this letter, please advise this office immediately.

If you would like additional information, please feel free to contact Compliance Officer Louise LeBoutillier by telephone at: 250-356-5413, or by email at: [Louise.LeBoutillier@gov.bc.ca](mailto:Louise.LeBoutillier@gov.bc.ca). Ministry staff are available to help determine your obligations under the Regulation and how best to discharge those obligations.

Yours truly,

Gwenda Laughland, Director  
Compliance Policy and Planning  
British Columbia Ministry of Environment

pc: Cameron Lewis, Executive Director, Waste Prevention Branch  
Louise LeBoutillier, Compliance Officer, Waste Prevention Branch



Full Legal Name	Address 2	Address 1	City
s.15			Vancouver
Avon Canada Inc.	5500 Route Transcanadienne		Pointe Claire
s.15			Langley
			Edmonton
			Vancouver
			Vancouver
			Montréal
			Toronto
Michael Kors (Canada) Co.	3424 Rue Simpson		Montréal
s.15			Toronto
			Surrey
			Victoria
Purewal Blueberry Farms Ltd.	13753 Hale Road		Pitt Meadows
s.15			Surrey
			Abbotsford

Prov / State	Postal
BC	s.15
PQ	H9R 1B6
BC	s.15
AB	
BC	
BC	
PQ	
ON	
PQ	H3G 2J3
ON	s.15
BC	
BC	
BC	V3Y 1Z1
BC	s.15
BC	



## **PROCESS SERVER**

Reference: 286428

July 20, 2015

«Contact»  
«Position»  
«Name»  
«Address»  
«City», «Province» «Postal»

Dear «Contact»:

Re: Warning Letter

I am writing to inform you that the Ministry of Environment is escalating its enforcement of the Recycling Regulation (B.C. Reg. 449/2004). As you are aware, this Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It is our understanding that «Name» is a producer of packaging and printed paper in the Province of British Columbia. Furthermore, it is our understanding that «Name» does not have an approved stewardship plan and as per correspondence received from Multi-Material BC dated July 3, 2015, «Name» no longer has an agent with an approved plan. Accordingly, it appears that «Name» is in non-compliance with the Recycling Regulation and subject to escalating enforcement action by the Ministry.

As part of the Packaging and Printed Paper Compliance and Enforcement Plan, «Name» may be subject to the following enforcement actions:

### **Public Reporting**

The Ministry has found the public reporting of its enforcement actions to be a highly effective compliance mechanism. This can include the posting of a warning letter such as this, as well as the reporting of other enforcement actions. Examples of the Ministry's current public reporting can be found at: <http://www.env.gov.bc.ca/main/compliance-reporting/>

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**Administrative Penalties**

An administrative penalty is a financial penalty that can be imposed on companies who fail to comply with a particular provision of a statute or regulation. As an administrative rather than criminal type of sanction, administrative penalties are calculated and imposed by designated Ministry officials instead of a court of law. Among other factors, the financial penalty calculation takes into consideration the economic benefits a company accrues by not complying.

Section 115 of the *Environmental Management Act* authorizes the Director to impose an administrative penalty for non-compliance with a prescribed provision of the Act or its regulations, subject to the procedures laid out in the Administrative Penalties (Environmental Management Act) Regulation (B.C. Reg. 133/2014). This section also states that if a corporation contravenes the Act or regulation, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the contravention or failure is also liable under this section even though the corporation is liable for or pays an administrative penalty.

A penalty is calculated in accordance with the Administrative Penalty (EMA) Regulation (B.C. Reg. 133/2014) which governs the assessment of administrative penalties. The Regulation prescribes the maximum penalty that can be applied to this contravention and the factors that must be considered when calculating a penalty. In accordance with Part 2 section 36 of the regulation, a party who contravenes section 2 of the Recycling Regulation is liable to an administrative penalty of up to \$40,000. Further, as per section 7(2) of the Administrative Penalty (EMA) Regulation, the penalty can be applied each day the contravention continues, in this situation dating back to June 23, 2014 when Cabinet approved the regulation.

An overview of administrative penalties can be found on the Ministry website at: <http://www.env.gov.bc.ca/epd/codes/admin-pen-reg/>, or you can view the Administrative Penalties Regulation at: [http://www.bclaws.ca/civix/document/id/complete/statreg/133\\_2014](http://www.bclaws.ca/civix/document/id/complete/statreg/133_2014).

**Prosecutorial Responses**

Without prejudice, you are advised that persons contravening Section 2 of the Recycling Regulation commit an offence and are liable for enforcement action, which can include violation tickets and court imposed fines of up to \$200,000 upon conviction.

It is the Ministry's intention to ensure that producers fulfil their obligation and fully comply with the Recycling Regulation. Ministry enforcement responses are guided by the Ministry's Compliance and Enforcement Policy which can be found on the Ministry website.

Please advise this office by August 21, 2015 how you have met your obligations under Section 2 of the Regulation. Failure to do so may result in the escalating enforcement action described above. If «Name» has come into compliance with the Recycling Regulation since the issuance of this letter, please advise this office immediately.

If you would like additional information, please feel free to contact Compliance Officer  
Louise LeBoutillier by telephone at: 250-356-5413, or by email at: [Louise.LeBoutillier@gov.bc.ca](mailto:Louise.LeBoutillier@gov.bc.ca).

Yours truly,

Gwenda Laughland, Director  
Compliance Policy and Planning  
British Columbia Ministry of Environment

pc: Cameron Lewis, Executive Director, Waste Prevention Branch  
Louise LeBoutillier, Compliance Officer, Waste Prevention Branch

Name	Contact	Position	Phone
s.15			
Maple Hill Farms	Blaine Regehr	Owner	604-856-7429
s.15			

Address	City	Province	Postal	Deliver method
s.15				PROCESS SERVER
				PROCESS SERVER
4808 Mt. Lehman Road	Abbotsford	BC	V4X 1Y3	PROCESS SERVER
s.15				PROCESS SERVER

Producer Name	Address 2	Address 1
Avon Canada Inc.	5500 Route Transcanadienne	
s.15		
Michael Kors Holdings Ltd.	3424 Rue Simpson	
s.15		
Buck or Two Extreme Retail	11B Director Court	
s.15		
The UPS Store	1115 North Service Road West	Unit 1



City	Prov / State	Postal
Pointe Claire	PQ	H9R 1B6
Montréal	PQ	s.15
Edmonton	AB	
Montréal	PQ	H3G 2J3
Richmond	BC	s.15
Edmonton	AB	
Vaughan	ON	L4L 4S5
Delta	BC	s.15
Victoria	BC	
Oakville	ON	L6M 2V9



File: 290992

October 2, 2015

«Delivery\_Method»

«Contact»

«Producer\_Name»

«Address\_2»

«Address\_1»

«City», «Prov\_\_State» «Postal»

Dear «Contact»:

**Re: Notice of Intention to Impose an Administrative Penalty**

Further to the Advisory Letter sent to you on «Advisory\_Date» and the Warning Letter served to you on «Warning\_Date» by the British Columbia Ministry of Environment, I am writing to advise you that I intend to impose an administrative penalty to «Producer\_Name» pursuant to section 115 of the *Environmental Management Act*. As a Director under the Act, I am authorized to make a determination respecting this matter.

The British Columbia Recycling Regulation (B.C. Reg. 449/2004) requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It continues to be our understanding that «Producer\_Name» is a producer of packaging and printed paper in the Province of British Columbia and that «Producer\_Name» has not submitted a plan or appointed an agent with an approved plan. Accordingly, it appears that «Producer\_Name» is still in non-compliance with the Recycling Regulation and subject to escalating enforcement action by the Ministry.

Section 115 of the *Environmental Management Act* authorizes the Director to impose an administrative penalty for non-compliance with

- i. a prescribed provision of the Act or its regulations
- ii. an order under the Act, or
- iii. a requirement of a permit or approval issued under the Act

subject to the procedures laid out in the Administrative Penalty (*EMA*) Regulation (B.C. Reg. 133/2014).

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A preliminary penalty assessment will be calculated in accordance with the Administrative Penalty (EMA) Regulation (B.C. Reg. 133/2014) which governs the assessment of administrative penalties. The regulation prescribes the maximum penalty that can be applied to this contravention and the factors that I must consider when calculating a penalty. In accordance with Part 2 section 36 of the regulation, a party who contravenes section 2 of the Recycling Regulation is liable to an administrative penalty of up to \$40,000. Further, as per section 7(2) of the Administrative Penalty (EMA) Regulation, the penalty can be applied each day the contravention continues, in this situation dating back to May 19, 2014. For your information I have attached a copy of an Administrative Penalties Facts Sheet.

Please also note that the alleged violations and all enforcement actions and the circumstances to which they refer will form part of the compliance history of «Producer\_Name» and its responsible officials and will be taken into account in the event of future violations.

Additionally, please be aware that, as outlined in section 115(9) of *Environmental Management Act*, if a corporation contravenes the Act or a regulation, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the contravention is also liable for the contravention.

If you have any questions with regard to this notice or have additional information relevant to the alleged contravention that you would like to have considered prior to an assessment being performed on the preliminary penalty amount, please contact Louise LeBoutillier, Compliance Officer, at: (250) 356-5413 or: [Louise.LeBoutillier@gov.bc.ca](mailto:Louise.LeBoutillier@gov.bc.ca).

Sincerely,

Gwenda Laughland  
Director, Compliance Policy and Planning  
Ministry of Environment

Ministry of Environment: Administrative Penalties Fact Sheet

cc: Louise LeBoutillier  
Compliance Officer, Water Prevention Branch



**REGISTERED MAIL**

File: 293358

November 27, 2015

Rick O'Connor  
President and CEO  
Black Press  
#310-5460 152<sup>nd</sup> St.  
Surrey BC V3S 5J9

Dear Rick O'Connor:

This letter is to advise that Black Press is subject to obligations under the Recycling Regulation (B.C. Reg. 449/2004) as it pertains to the distribution of packaging and printed paper in British Columbia, specifically newsprint. As you are aware, as of May 2014, the Recycling Regulation (the Regulation) requires that the producers (manufacturers, distributors, or importers) of packaging and printed paper (PPP) be responsible for the management of their products at all lifecycle stages, including post-consumer collection and recycling.

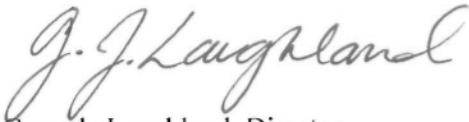
In order to sell or distribute products in the packaging and printed paper product category in British Columbia, producers must have an approved Product Stewardship Plan. Section 2(2) of the Regulation however, provides a producer with the option of appointing an agency with an approved plan to discharge its obligations under the Regulation. Multi-Material BC (MMBC) is a not-for-profit organization that is the only agency with an approved Stewardship Plan for managing these materials in British Columbia.

It continues to be the Ministry of Environment's understanding that Black Press sells or distributes products within the packaging and printed paper product category in the Regulation and therefore is a producer of PPP, as defined in Section 2 (Part 1) of the Regulation. Please advise this office immediately how you intend to meet your obligations under Section 2 of the Regulation.

The Ministry is aware that this information is not new to your company and requires a timely response. The Ministry understands that you working on developing various alternatives for newspaper recycling in BC. Please provide an update on any developments regarding this work. Please contact Compliance Officer Louise LeBoutillier by telephone at: 250-356-5413, or by email at: [Louise.LeBoutillier@gov.bc.ca](mailto:Louise.LeBoutillier@gov.bc.ca).

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Yours truly,

A handwritten signature in dark ink, reading "G. J. Laughland". The signature is written in a cursive, flowing style with a large initial "G".

Gwenda Laughland, Director  
Compliance Policy and Planning  
Ministry of Environment

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**REGISTERED MAIL**

File: 293359

November 27, 2015

Gordon Fisher  
President  
The Vancouver Sun / The Province  
Suite 1, 200 Granville Street  
Vancouver BC V6C 3N3

Dear Gordon Fisher:

This letter is to advise that The Vancouver Sun / The Province is subject to obligations under the Recycling Regulation (B.C. Reg. 449/2004) as it pertains to the distribution of packaging and printed paper in British Columbia, specifically newsprint. As you are aware, as of May 2014, the Recycling Regulation (the Regulation) requires that the producers (manufacturers, distributors, or importers) of packaging and printed paper (PPP) be responsible for the management of their products at all lifecycle stages, including post-consumer collection and recycling.

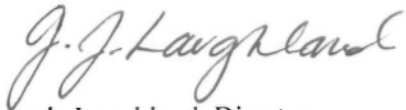
In order to sell or distribute products in the packaging and printed paper product category in British Columbia, producers must have an approved Product Stewardship Plan. Section 2(2) of the Regulation however, provides a producer with the option of appointing an agency with an approved plan to discharge its obligations under the Regulation. Multi-Material BC (MMBC) is a not-for-profit organization that is the only agency with an approved Stewardship Plan for managing these materials in British Columbia.

It continues to be the Ministry of Environment's understanding that The Vancouver Sun / The Province sells or distributes products within the packaging and printed paper product category in the Regulation and therefore is a producer of PPP, as defined in Section 2 (Part 1) of the Regulation. Please advise this office immediately how you intend to meet your obligations under Section 2 of the Regulation.

The Ministry is aware that this information is not new to your company and requires a timely response. The Ministry understands that you working on developing various alternatives for newspaper recycling in BC. Please provide an update on any developments regarding this work. Please contact Compliance Officer Louise LeBoutillier by telephone at: 250-356-5413, or by email at: [Louise.LeBoutillier@gov.bc.ca](mailto:Louise.LeBoutillier@gov.bc.ca).

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Yours truly,

A handwritten signature in cursive script, reading "G. J. Laughland".

Gwenda Laughland, Director  
Compliance Policy and Planning  
Ministry of Environment

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**REGISTERED MAIL**

File: 293360

November 27, 2015

Jonathon Kennedy  
President and Chief Executive Officer  
Glacier Media Inc.  
2188 Yukon Street  
Vancouver BC V5Y 3P1

Dear Jonathon Kennedy:

This letter is to advise that Glacier Media Inc. is subject to obligations under the Recycling Regulation (B.C. Reg. 449/2004) as it pertains to the distribution of packaging and printed paper in British Columbia, specifically newsprint. As you are aware, as of May 2014, the Recycling Regulation (the Regulation) requires that the producers (manufacturers, distributors, or importers) of packaging and printed paper (PPP) be responsible for the management of their products at all lifecycle stages, including post-consumer collection and recycling.

In order to sell or distribute products in the packaging and printed paper product category in British Columbia, producers must have an approved Product Stewardship Plan. Section 2(2) of the Regulation however, provides a producer with the option of appointing an agency with an approved plan to discharge its obligations under the Regulation. Multi-Material BC (MMBC) is a not-for-profit organization that is the only agency with an approved Stewardship Plan for managing these materials in British Columbia.


It continues to be the Ministry of Environment's understanding that Glacier Media Inc. sells or distributes products within the packaging and printed paper product category in the Regulation and therefore is a producer of PPP, as defined in Section 2 (Part 1) of the Regulation. Please advise this office immediately how you intend to meet your obligations under Section 2 of the Regulation.

The Ministry is aware that this information is not new to your company and requires a timely response. The Ministry understands that you working on developing various alternatives for newspaper recycling in BC. Please provide an update on any developments regarding this work. Please contact Compliance Officer Louise LeBoutillier by telephone at: 250-356-5413, or by email at: [Louise.LeBoutillier@gov.bc.ca](mailto:Louise.LeBoutillier@gov.bc.ca).

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Yours truly,

  
Gwenda Laughland, Director  
Compliance Policy and Planning  
Ministry of Environment

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MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

November 20, 2015

File: 288673 (2015-03)

Registered Mail

Maple Hill Farms  
4808 Mt. Lehman Road  
Abbotsford, BC V4X 1Y3

Dear Blaine Regehr:

**Re: Determination of Administrative Penalty**

Further to the Notice Prior to Determination of Administrative Penalty issued to you on September 18, 2015, I have now made a determination in this matter.

After reviewing the information available to me, and having not received a request for an *opportunity to be heard* as was your entitlement identified to you in the Notice Prior to Determination of Administrative Penalty, I have concluded that Maple Hill Farms contravened Part 1, Section 2 of the Recycling Regulation (B.C. Reg. 449/2004) in respect of which an administrative penalty is being imposed pursuant to section 115 of the *Environmental Management Act* and the Administrative Penalties (*Environmental Management Act*) Regulation (B.C. Reg. 133/2014). The amount of the penalty, reasons for my decision, payment and appeal information are provided in the attached decision document.

If you have any questions with regard to this determination, please contact me at Gwenda.Laughland@gov.bc.ca or 250-387-9641.

Sincerely,

Gwenda Laughland  
Director, Compliance Policy and Planning  
BC Ministry of Environment

Attachment: Determination of Administrative Penalty  
Email: Compliance Officer Louise LeBoutillier to Maple Hill Farms (9.25.2015)

cc: Louise LeBoutillier, Compliance Officer, Waste Prevention Branch



MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

**DETERMINATION OF ADMINISTRATIVE PENALTY**

File: 288673 (2015-03)

**NAME OF PARTY:**

Maple Hill Farms

**CONTRAVENTION:**

Recycling Regulation (B.C. Reg. 449/2004)  
Part 1, Section 2

**AMOUNT OF ADMINISTRATIVE  
PENALTY:**

**\$ 5000**

**DATE OF CONTRAVENTION:**

July 3, 2015

**DIRECTORS SUMMARY:**

The British Columbia Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Part 1, Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

Maple Hill Farms is a producer of packaging and printed paper in the Province of British Columbia. Maple Hill Farms initially complied with the regulation by signing a membership agreement with Multi-Material BC to discharge their obligation under the regulation. However, after failing to fulfill the terms and conditions of their agreement with Multi-Material BC, their membership agreement was terminated, leaving Maple Hill Farms in non-compliance with the regulation as of July 3, 2015.

On July 20, 2015, the Ministry served Maple Hill Farms a Warning Letter, advising that they were non-compliant and would be subject to escalating enforcement action, specifically an administrative penalty, if non-compliance continued. Maple Hill Farms did not come back into compliance with the regulation. Accordingly, on September 22, 2015, Maple Hill Farms was served a Notice Prior to Determination of Administrative Penalty. Maple Hill Farms did not request an *opportunity to be heard* by the statutory decision maker as was their entitlement identified to them in the Notice Prior to Determination of Administrative Penalty and reiterated to them again in an email by the Ministry's Compliance Officer on September 25, 2015.

Since being served the Notice Prior to Determination of Administrative Penalty, Maple Hill Farms has complied with the regulation.



MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

**REASONS FOR DECISION:**

I have considered all of the information submitted to me. My evaluation has included a consideration of the matters listed in section 7(1) of the Administrative Penalties (*Environmental Management Act*) Regulation, as applicable. Based on this assessment, I offer the following comments:

Without an approved Product Stewardship Plan itself or an appointed agency with an approved Stewardship Plan, Maple Hill Farms was out of compliance with the Recycling Regulation. Maple Hill Farms produces approximately 45000 kg of packaging and printed paper annually, well in excess of the small business exemption of 1000kg.

Since being served with the Notice Prior to Determination of Administrative Penalty, Maple Hill Farms has complied with the regulation. As I noted in the Penalty Assessment Form, the penalty was reduced by \$4000 in anticipation that Maple Hill Farms would comply with the regulation:

*Maple Hill Farms is a family owned BC-based business that initially complied with their obligations under the Recycling Regulation. For this reason, and in anticipation that this penalty will result in Maple Hill Farms taking the necessary steps to comply, the penalty amount is being significantly reduced.*

Having not heard from Maple Hill Farms through the offer of an *opportunity to be heard*, I do not have any additional information to bring to bear on the assessment of my preliminary penalty amount.

The base penalty and factors remain the same as described in the Penalty Assessment Form.

**DUE DATE AND PAYMENT:**

Payment of this administrative penalty is due within thirty (30) days after the date of service of this Determination of Administrative Penalty. Payment via cheque or money order, made payable to the Minister of Finance, can be mailed to Business Services, Attn: Fees Analyst, Ministry of Environment, PO Box 9377 Stn Prov Govt, Victoria BC, V8W 9M1. Please do not mail cash. A \$30 service fee will be charged for dishonoured payments.

If payment has not been received in the thirty (30) day period, interest will be charged on overdue payments at a rate of 3% + the prime lending rate of the principal banker to the Province per month and the amount payable is recoverable as a debt due to the government.



MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

**RIGHT TO APPEAL:**

If you disagree with this determination, Division 2 of Part 8 of the *Environmental Management Act* provides for appeal of my decision to the Environmental Appeal Board (EAB). In accordance with the Act and with the Environmental Appeal Board Procedures Regulation, the EAB must receive notice of the appeal no later than 30 days after the date you receive this Determination of Administrative Penalty. The notice must include:

- a. Your name and address and the name of the person, if any, making the request on your behalf;
- b. The address for serving a document to you or the person acting on your behalf;
- c. The grounds for appeal;
- d. A statement of the nature of the order requested; and
- e. The notice of appeal shall be signed by you, or your counsel or agent if any, and be accompanied by a fee of \$25, payable to the Minister for Finance by cheque, money order or bank draft.

The Notice of Appeal form, available online at <http://www.eab.gov.bc.ca/forms.htm>, should be completed, and must be filed by registered mail or by leaving a copy of it at the Board office during normal business hours (8:30 am – 4:30 pm, Monday through Friday, excluding public holidays). Notice may also be sent by email or fax, provided the original notice of appeal and the appeal fee follows by mail. The mailing address of the EAB is: PO Box 9425 Stn Prov Govt, Victoria BC, V8W 9V1. The street address is: 4th Floor, 747 Fort Street, Victoria, BC.

For further information, please consult the EAB website at <http://www.eab.gov.bc.ca>.

If the administrative penalty is appealed to the EAB and the penalty is upheld, payment is due within 30 days after receiving a copy of the order or decision of the appeal board, or, if the EAB has sent the matter back to the decision maker, within 30 days after a new Determination of Administrative Penalty is served.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.



MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

**NOTICE PRIOR TO DETERMINATION OF ADMINISTRATIVE PENALTY**

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September 18, 2015

File: 288673 (2015-03)

**Process Server**

Maple Hill Farms  
4808 Mt. Lehman Road  
Abbotsford, BC V4X 1Y3

Dear: Blaine Regehr

**Re: Notice Prior to Determination of Administrative Penalty**

I am satisfied on the basis of the information presented to me by Ministry of Environment staff (enclosed) that Maple Hill Farms has contravened the British Columbia Recycling Regulation (BC Reg 449/2004) and I am considering the imposition of an administrative penalty pursuant to section 115 of the *Environmental Management Act*.

The British Columbia Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Part 1, Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It is my understanding that Maple Hill Farms is a producer of packaging and printed paper in the Province of British Columbia. Furthermore, it is my understanding that Maple Hill Farms does not have an approved stewardship plan and, as per correspondence received from Multi-Material BC dated July 3, 2015, Maple Hill Farms no longer has an agent with an approved plan. Accordingly, it appears that Maple Hill Farms is in non-compliance with the Recycling Regulation and subject to escalating enforcement action by the Ministry.

**Preliminary Penalty Assessment**

A preliminary penalty assessment of \$5,000 has been calculated in accordance with the Administrative Penalties (*Environmental Management Act*) Regulation (B.C. Reg. 133/2014) which governs the assessment of administrative penalties. The regulation prescribes the maximum penalty that can be applied to this contravention (\$40,000), and the factors that I must consider when calculating the penalty. For your information I have attached a copy of the regulation, an Administrative Penalties Fact Sheet and the Administrative Penalty Assessment Form that I used to make this preliminary assessment, as well as additional information I have taken into consideration.

## Opportunity to be Heard

Before I make a final decision, I am offering you an opportunity to be heard. This is your chance to provide additional information that you think I may not be aware of or have not considered in this notice related to the alleged contravention, the preliminary penalty assessment or both. Any new relevant information you present will be considered prior to my final decision. Please review the enclosed material and confirm in writing within 30 days of receipt of this notice if you would like this opportunity. At that time we will discuss the timing, format and content of your submission. If I do not hear from you within 30 days, I will assume you do not wish to avail yourself of this opportunity and I will proceed to make a decision and notify you accordingly.

If you have any questions with regard to this notice, please contact me at [Gwenda.Laughland@gov.bc.ca](mailto:Gwenda.Laughland@gov.bc.ca) or 250-387-9641.

Sincerely,



Gwenda Laughland  
Director, Compliance Policy and Planning  
BC Ministry of Environment

### ATTACHMENTS

- Administrative Penalty Assessment Form
- Ministry of Environment - Reporting and Payment Graphic: Maple Hill Farms
- MMBC Producer Contact Information
- Ministry of Environment email correspondence
- Ministry of Environment Warning Letter
- MMBC Termination of Agreement Letter
- MMBC Warning Letter
- Administrative Penalties (*Environmental Management Act*) Regulation
- Administrative Penalties Fact Sheet

cc: Louise LeBoutillier, Compliance Officer, Waste Prevention Branch

LLEBOUTILLIER



MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

April 6, 2016

File: 292789 (2015-10)

**Registered Mail**

MTY Group Inc. (MTY Tiki Ming Enterprises, Inc.)  
8150 TransCanada Highway  
Suite 200  
Saint-Laurent, PQ H4S 1M5

Attention: Stanley Ma

**Re: Determination of Administrative Penalty**

Further to the Notice Prior to Determination of Administrative Penalty issued to you dated February 25, 2016, I have now made a Determination in this matter.

After reviewing the information available to me, and having not received a request for an *opportunity to be heard* as was your entitlement identified to you in the Notice Prior to Determination of Administrative Penalty, I have concluded that MTY Group, Inc. contravened Part 1, Section 2 of the Recycling Regulation (B.C. Reg. 449/2004) in respect of which an administrative penalty is being imposed pursuant to section 115 of the *Environmental Management Act* and the Administrative Penalties (EMA) Regulation (B.C. Reg. 133/2014). The amount of the penalty, reasons for my decision, payment and appeal information are provided in the attached decision document.

If you have any questions with regard to this determination, please contact me at [Cameron.Lewis@gov.bc.ca](mailto:Cameron.Lewis@gov.bc.ca) or 250-387-9974.

Sincerely,

Cameron Lewis  
Executive Director  
Environmental Protection Division  
BC Ministry of Environment

Attachment: Determination of Administrative Penalty

cc: Louise LeBoutillier, Compliance Officer, Waste Prevention  
Nathan Voth, Fees Analyst, Business Services Branch





MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

**DETERMINATION OF ADMINISTRATIVE PENALTY**

File: 292789 (2015-10)

**NAME OF PARTY:**

MTY Group, Inc. (MTY Tiki Ming Enterprises)

**AMOUNT OF ADMINISTRATIVE  
PENALTY:**

**CONTRAVENTION OR FAILURE:**

Recycling Regulation (B.C. Reg. 449/2004)  
Part 1, Section 2

**\$20,000**

**DATE OF CONTRAVENTION OR FAILURE:**

May 19, 2014

**DIRECTORS SUMMARY:**

The British Columbia Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Part 1, Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

MTY Group, Inc. is a producer of packaging and printed paper in the Province of British Columbia. MTY Group, Inc. initially signed a letter of intent to appoint Multi-Material BC (MMBC) to discharge their obligation under the regulation. However, despite numerous telephone and email correspondences, they failed to follow through to sign a Membership Agreement with MMBC.

Ministry of Environment sent an Advisory Letter dated December 23, 2013 to MTY Group, Inc., notifying them of their obligations under the regulation, and of the pending program implementation on May 19, 2014. MTY Group, Inc. responded to Ministry staff in January and March of 2014, advising that they were aware of their obligation, were registered members with Stewardship Ontario, and were working with MMBC to collect and report their data for B.C. After no further action or contact, the Ministry served MTY Group, Inc. a Warning Letter on June 17, 2014, advising that they were non-compliant and would be subject to escalating enforcement action, specifically an administrative penalty, if non-compliance continued. Once

again, MTY Group, Inc. contacted both Ministry staff and MMBC advising that they had a copy of the Membership Agreement with MMBC, and that it would be finalized at their head office and uploaded to MMBC's online reporting portal shortly. Despite numerous communications between the Ministry, MTY Group, Inc. and MMBC between July 2014 and October 2015, MTY Group, Inc. failed to follow through on finalizing a Membership Agreement. There was no contact from MTY Group, Inc. with either MMBC or the Ministry after October 5, 2015.

Accordingly, in response to continued non-compliance, MTY Group, Inc. was served a Notice Prior to Determination of Administrative Penalty on February 25, 2016. MTY Group, Inc. did not request an *opportunity to be heard* by the statutory decision maker as was their entitlement identified to them in the Notice Prior to Determination of Administrative Penalty and reiterated to them again in an email I sent on March 24, 2016.

Since being served the Notice Prior to Determination of Administrative Penalty in a preliminary amount of \$40,000, MTY Group, Inc. has signed a Membership Agreement with MMBC, and thereby complied with the regulation.

#### REASONS FOR DECISION:

I have considered all of the information submitted to me. My evaluation has included a consideration of the matters listed in section 7(1) of the Administrative Penalties (*Environmental Management Act*) Regulation, as applicable. Based on this assessment, I offer the following comments:

MTY Group, Inc. produces an estimated tonnage of packaging and printed paper annually that is well in excess of the small business exemption of 1,000kg. Without an approved Product Stewardship Plan itself, or an appointed agency with an approved Stewardship Plan, MTY Group, Inc. was out of compliance with the Recycling Regulation.

Despite numerous correspondences with both the Ministry and MMBC, MTY Group, Inc. took no action to comply with the regulation until being served with the Notice Prior to Determination of Administrative Penalty.

Having not heard from MTY Group, Inc. through the offer of an *opportunity to be heard*, I do not have any additional information to bring to bear on the assessment of my preliminary penalty amount.

However, since MTY Group, Inc. has now come into compliance by signing a Membership Agreement with MMBC, I have reduced the penalty amount to 50 percent of the amount described in the Penalty Assessment Form. I believe that this reduction is fair and reasonable, and a gesture of good faith that MTY Group, Inc. will remain in compliance with the regulation.



MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

**DUE DATE AND PAYMENT:**

Payment of this administrative penalty is due within thirty (30) days after the date of service of this Determination of Administrative Penalty. Payment via cheque or money order, made payable to the Minister of Finance, can be mailed to Business Services, Attn: Fees Analyst, Ministry of Environment, PO Box 9377 Stn Prov Govt, Victoria BC, V8W 9M1. Please do not mail cash. A \$30 service fee will be charged for dishonoured payments.

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If payment has not been received in the thirty (30) day period, interest will be charged on overdue payments at a rate of 3% + the prime lending rate of the principal banker to the Province per month and the amount payable is recoverable as a debt due to the government.

**RIGHT TO APPEAL:**

If you disagree with this determination, Division 2 of Part 8 of the *Environmental Management Act* provides for appeal of my decision to the Environmental Appeal Board (EAB). In accordance with the Act and with the Environmental Appeal Board Procedures Regulation, the EAB must receive notice of the appeal no later than thirty (30) days after the date you receive this Determination of Administrative Penalty. The notice must include:

- a. Your name and address and the name of the person, if any, making the request on your behalf;
- b. The address for serving a document to you or the person acting on your behalf;
- c. The grounds for appeal;
- d. A statement of the nature of the order requested; and
- e. The notice of appeal shall be signed by you, or your counsel or agent if any, and be accompanied by a fee of \$25, payable to the Minister for Finance by cheque, money order or bank draft.

The Notice of Appeal form, available online at <http://www.eab.gov.bc.ca/forms.htm>, should be completed, and must be filed by registered mail or by leaving a copy of it at the Board office during normal business hours (8:30 am – 4:30 pm, Monday through Friday, excluding public holidays). Notice may also be sent by email or fax, provided the original notice of appeal and the appeal fee follows by mail. The mailing address of the EAB is: PO Box 9425 Stn Prov Govt, Victoria BC, V8W 9V1. The street address is: 4th Floor, 747 Fort Street, Victoria, BC.

For further information, please consult the EAB website at <http://www.eab.gov.bc.ca>.

If the administrative penalty is appealed to the EAB and the penalty is upheld, payment is due within 30 days after receiving a copy of the order or decision of the appeal board, or, if the EAB has sent the matter back to the decision maker, within 30 days after a new Determination of Administrative Penalty is served.

Dated this 6 day of April, 2016



MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

**NOTICE PRIOR TO DETERMINATION OF ADMINISTRATIVE PENALTY**

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February 25, 2016

File: CLIFF#292789 (2015-10)

**Registered Mail**

MTY Group Inc. (MTY Tiki Ming Enterprises, Inc.)  
8150 TransCanada Highway  
Suite 200  
Saint-Laurent, PQ H4S 1M5

Dear: Stanley Ma

**Re: Notice Prior to Determination of Administrative Penalty**

I am satisfied on the basis of the information presented to me by the Ministry of Environment staff (enclosed) that MTY Group Inc., or MTY Tiki Ming Enterprises, Inc. (hereinafter referred to as MTY Group) has contravened the British Columbia Recycling Regulation (BC Reg 449/2004) and I am considering the imposition of an administration penalty pursuant to section 115 of the *Environmental Management Act*.

The British Columbia Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Part 1, Section 2 of the Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It is my understanding that MTY Group is a producer of packaging and printed paper in the Province of British Columbia. Furthermore, it is my understanding that MTY Group does not have an approved stewardship plan and, as per the Producer Contact History document received from Multi-Material BC in November 2015 (attached), MTY Group has not finalized a Membership Agreement to appoint Multi-Material BC to act on its behalf. Accordingly, it appears that MTY Group is in non-compliance with the Recycling Regulation and subject to escalating enforcement action by the Ministry.

**Preliminary Penalty Assessment**

A preliminary penalty assessment of **\$40,000.00** has been calculated in accordance with the Administrative Penalties (*Environmental Management Act*) Regulation (B.C. Reg. 133/2014) which governs the assessment of administrative penalties. The regulation prescribes the maximum penalty that can be applied to this contravention (\$40,000), and the factors that I must consider when calculating the penalty. For your information, I have attached a copy of the regulation, an Administrative Penalty Fact

Sheet and the Administrative Penalty Assessment Form that I used to make this preliminary assessment, as well as additional information I have taken into consideration.

### **Opportunity to be Heard**

Before I make a final decision, I am offering you an opportunity to be heard. This is your chance to provide additional information that you think I may not be aware of or have not considered in this notice related to the alleged contravention, the preliminary penalty assessment or both. Any new relevant information you present will be considered prior to my final decision. Please review the enclosed material and confirm in writing within 30 days of receipt of this notice if you would like this opportunity. At that time we will discuss the timing, format and content of your submission. If I do not hear from you within 30 days I will assume you do not wish to avail yourself of this opportunity and I will proceed to make a decision and notify you accordingly.

If you have any questions with regard to this notice, please contact me at: [Cameron.Lewis@gov.bc.ca](mailto:Cameron.Lewis@gov.bc.ca) or 250 953-3866.

Sincerely,



Cameron Lewis  
Executive Director, Waste Prevention Branch  
BC Ministry of Environment

Administrative Penalty Assessment Form  
MMBC Producer Contact Information  
Ministry of Environment Advisory Letter  
Ministry of Environment Warning Letter  
Ministry of Environment and MTY Group email correspondence  
Administrative Penalties (*Environmental Management Act*) Regulation  
Administrative Penalties Fact Sheet

cc: Louise LeBoutillier, Compliance Officer, Waste Prevention Branch

bcc: SRichardson  
GLaughland

LLEBOUTILLIER

Company	Category	Compliant
s.15	Not-Obligated	Y
	Obligated	Y
	Obligated	Y
	Obligated	Y
	Obligated	Y
Avon Canada Inc.	Obligated	N
s.15	Obligated - RUO	Y
	Obligated	Y
	Obligated	Y
	Obligated	Y
	Not-Obligated	Y
Blenz The Canadian Coffee Company	Obligated	N
s.15	Obligated - RUO	Y
Bosa Foods	Obligated	N
Buck or Two Extreme Retail	Obligated	N
s.15	Obligated	Y
	Obligated	Y
	Obligated	N
Capilano Unversity	Obligated	N
Choices Market	Obligated	N
Church's Chicken	Obligated	N
s.15	Obligated	Y
	Obligated	Y
	Not-Obligated	Y
	Not-Obligated	Y
	Obligated	Y
Davids Teas	Obligated	N
s.15	Obligated	Y
	Obligated	Y
	Not-Obligated	Y
Emperor Holdings Ltd	Obligated	N
Esquires Coffee Houses Inc	Obligated	N
s.15	Obligated	Y
Fatburger Canada	Obligated	N
Flying Wedge Pizza	Obligated	N

s.15		Obligated	Y
	Fresh Is Best	Obligated	N
	Freshslice Pizza	Obligated	N
	Fruiticana Produce	Obligated	N
	General Nutrition Corporation (GNC Holdings	Obligated	N
	Grimms Fine Food	Obligated	N
s.15		Obligated	Y
	Hallmark Poultry Processors Ltd.	Obligated	N
s.15		Obligated	Y
		Obligated	N
	KMS Tools	Obligated	N
s.15		Obligated	Y
	Maple Hill Farms	Obligated	Y
s.15		Obligated	Y
	Michael Kors	Obligated	N
	MTY Group (MTY Tiki Ming Enterprises Inc.)	Obligated	Y
	Nando's Chicken Canada	Obligated	N
s.15		Not-Obligated	Y
		Obligated	Y
		Obligated - RUO	Y
		Not-Obligated	Y
		Obligated	Y
		Obligated - RUO	Y
		Obligated	Y
		Not-Obligated	Y
		Obligated	Y
		Obligated	N
		Not-Obligated	Y
		Obligated	Y
	Purewal Blueberry Farms Ltd.	Obligated	N
s.15		Obligated - RUO	Y
	Quizno's Canada Restaurant Corp.	Obligated	N
s.15		Obligated	N
		Obligated	Y
		Obligated	Y
		Obligated	Y

Royal LePage Real Estate Services s.15	Obligated	N
	Obligated	Y
	Obligated	Y
	Obligated	Y
	Obligated	Y
	Obligated - RUO	Y
	Not-Obligated	Y
	Obligated	Y
	Not-Obligated	Y
	Obligated	Y
The Body Shop s.15	Obligated	N
	Obligated	Y
The UPS Store s.15	Obligated	N
	Obligated	Y
	Obligated	Y
Waves Coffee House s.15	Obligated	N
	Obligated	Y
Yum! Restaurants International s.15	Obligated	Y
	Obligated	Y
Black Press	Obligated	N
Glacier Media Inc.	Obligated	N
Vancouver Sun / The Province	Obligated	N

\*Obligated - RUO: reported under other name/producer





MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL PROTECTION DIVISION

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April 28, 2016

File: 292790 (2015-11)

**Process Server**

Yum! Brands, Inc.  
(Kentucky Fried Chicken Canada Company, PH Canada Company, and TB Canada Company)  
191 Creditview Road, Suite #100  
Vaughan, ON  
L4L 9T1

Dear: David Novak

**Re: Notice Prior to Determination of Administrative Penalty**

I am satisfied on the basis of the information presented to me by Ministry of Environment staff (enclosed) that Yum! Brands, Inc. has contravened the British Columbia Recycling Regulation (BC Reg. 449/2004) and I am considering the imposition of an administrative penalty pursuant to section 115 of the *Environmental Management Act*.

The British Columbia Recycling Regulation requires producers (manufacturers, distributors and importers) of packaging and printed paper products to take responsibility for the life-cycle management of their products. In accordance with Part 1, Section 2 of the British Columbia Recycling Regulation, a producer must have an approved Product Stewardship Plan or have appointed an agency with an approved Stewardship Plan.

It is my understanding that Yum! Brands, Inc. is a producer of packaging and printed paper in the Province of British Columbia. Furthermore, it is my understanding that Yum! Brands, Inc. does not have an approved stewardship plan and Yum! Brands, Inc. has not appointed Multi-Material BC, the only agency in the Province with an approved plan, to act on its behalf. Accordingly, it appears that Yum! Brands, Inc. is in non-compliance with the British Columbia Recycling Regulation and subject to escalating enforcement action by the Ministry of Environment.

**Preliminary Penalty Assessment**

A preliminary penalty assessment of \$39,000 has been calculated in accordance with the Administrative Penalties (*Environmental Management Act*) Regulation (B.C. Reg. 133/2014) which governs the assessment of administrative penalties. The regulation prescribes the maximum penalty that can be applied to this contravention (\$40,000), and the factors that I must consider when calculating the penalty. For your information I have attached an Administrative Penalty Fact Sheet and the Administrative Penalty Assessment Form that I used to make this preliminary assessment, as well as all additional information I have taken into consideration.

**Opportunity to be Heard**

Before I make a final decision, I am offering you an opportunity to be heard. This is your chance to provide additional information that you think I may not be aware of, or have not considered, in relation to the alleged contravention, the preliminary penalty assessment or both. Any new, relevant information you present will be considered prior to my final decision. Please review the enclosed material and confirm in writing within 30 days of receipt of this notice if you would like this opportunity. At that time, we will discuss the timing, format and content of your submission. If I do not hear from you within 30 days I will assume you do not wish to avail yourself of this opportunity and I will proceed to make a decision and notify you accordingly.

If you have any questions with regard to this notice, please contact me at: [Gwenda.Laughland@gov.bc.ca](mailto:Gwenda.Laughland@gov.bc.ca) or 250 387-9641.

Sincerely,



Gwenda Laughland  
Director  
BC Ministry of Environment

Administrative Penalty Assessment Form  
Ministry of Environment Warning Letter  
Ministry of Environment Advisory Letter  
Ministry of Environment and Yum! Brands, Inc. email correspondence  
MMBC Producer Contact Information  
Reporting and Payment Graphic: Packaging and Printed Paper Program  
Administrative Penalties Fact Sheet

cc: Louise LeBoutillier, Compliance Officer, Waste Prevention