

In the Matter of an Appeal pursuant to Section 179 of the *Consumer Protection Act*, RSA 2000, c C-26.3 arising from a June 9, 2021 Decision of the Director of Fair Trading (as Delegated) to impose an administrative penalty on Carter Klepper Inc. of Red Deer and Carter Klepper Inc. of Calgary.

DECISION OF THE APPEAL BOARD

Appeal Board: Christopher Davison (Chair)

<u>Counsel:</u>	Carter Klepper:	for the Appellants, Carter Klepper Inc. of Red Deer and Carter Klepper Inc. of Calgary.
	Paula Hale:	for the Respondent, the Director of Fair Trading (as delegated) ("the Director")

OVERVIEW

1. The facts of this case are agreed to by the Director and the Appellants. In short, the Appellants have failed to make legislatively required disclosures to consumers purchasing motor vehicles, have not used compliant bills of sale, and have violated an undertaking with the Director. The Appellants have pleaded guilty to breaching s. 163(d) of the *Consumer Protection Act*, RSA 2000, c C-26.3 ("CPA"), s. 31.1(1) and s. 31.2(1) of the *Automotive Business Regulation*, Alta Reg 192/1999 ("ABR"), and s. 15(1) of the *Vehicle Inspection Regulation*, Alta Reg 211/2006 ("VIR") via s. 12(o) of the ABR. The parties have jointly submitted that the Appellants should be fined \$5000.

DECISION

2. For the following reasons, the Appeal Board ("the Board") accepts the guilty plea and sanction proposed, and makes the order requested.

JURISDICTION

3. On June 9, 2021, the Registrar of the Alberta Motor Vehicle Industry Council ("AMVIC"), acting as the Director, rendered a decision to impose a \$7,500 administrative penalty on the Appellants pursuant to s. 158.1(1)(a) of the CPA.

4. The Director's decision found that the Appellants had violated the following sections of the following legislation:
 - a. S. 132 and 163(d) of the *CPA*;
 - b. S. 9, 12(o), 31.1(1), and 31.2(1) of the *ABR*; and
 - c. S. 15(1) of the *VIR*.
5. On July 15, 2021, the Appellants appealed the administrative penalty pursuant to s. 179 of the *CPA*.
6. On July 29, 2021, the Board was appointed and given jurisdiction over this appeal, pursuant to s. 179(4) of the *CPA* and s. 3 of the *Appeal Board Regulation, Alta Reg 195/1999 ("APB")*. The Minister appointed only one board member pursuant to s. 5 of the *Administrative Penalties (Consumer Protection Act) Regulation, Alta Reg 135/2013 ("APR")*.
7. Upon appeal, the findings described on the Administrative Penalty became allegations for the Board to determine in the context of a new trial (s. 179(8) of the *CPA*). Trial dates were set for January 10 and 11, 2022.
8. Prior to the trial date, the parties indicated they would like to proceed by way of joint submission. The trial dates were vacated.
9. The Director and the Appellants provided complete joint submissions on January 11, 2022.
10. This matter therefore proceeded in writing, without the need for a trial, pursuant to s. 13 of the *APB*.

PRELIMINARY APPLICATION DECISION

11. On October 1, 2021, the Board rendered a decision on the Appellant's application for more information. The application decision is appended to this final decision.

FACTS

12. The joint submission contains the following agreed facts:
 - a. On February 12, 2020, the Appellants entered into an undertaking with the Director pursuant to s. 152 of the *CPA*. The Appellants undertook, amongst other things, to ensure future compliance with s. 31.1(1) and s. 31.2(1) of the *ABR*. This involved

- using proper bills of sale and making proper disclosure to customers about vehicles being sold.
- b. On September 10, 2020, an AMVIC industry standards inspection of the Appellant's business was completed via telephone. The Appellants provided the requested documentation by September 13, 2020.
 - c. Eleven bills of sale were reviewed. Each bill of sale had compliance issues, some with multiple issues which included:
 - i. Missing the consumer's government issued identification number;
 - ii. An incorrect business address for the Appellants;
 - iii. Missing the make, model and year of the vehicle;
 - iv. Missing the colour and body type of the vehicle;
 - v. No information as to whether a Motor Vehicle Fitness Assessment ("MFA") were provided to the consumer; and
 - vi. No information as to whether vehicle history disclosure documentation was provided to the consumer.
 - d. There were also compliance issues with the MFA in regard to some of these deals. For some deals, no MFA was provided. For other deals, the MFA did not contain the required information including:
 - i. An incorrect name and address for the seller;
 - ii. Missing the name of the technician who performed the assessment;
 - iii. Missing the signature of the technician;
 - iv. Missing the required 120 day expiry statement; and
 - v. Missing a date that the MFA was issued.
 - e. The Appellants admit these deficiencies are a breach of s. 31.1(1) and s. 31.2(1) of the *ABR*, and a breach of s. 15(1) of the *VIR* via s. 12(o) of the *ABR*. The Appellant further admits they were breaching s. 163(d) of the *CPA* as they were not in compliance with their undertaking to the Director.
 - f. The Appellants should be fined \$5000. This is based on the following considerations:
 - i. The Appellants will use a legislatively compliant bill of sale going forward;

- ii. The Appellants will provide vehicle history reports to consumers when legislatively required;
- iii. The Appellants will use a compliant MFA and will provide it to consumers when legislatively required;
- iv. The Appellants will only sell vehicles at locations licensed for automotive sales by AMVIC and not at other locations;
- v. The Appellants will not disassemble vehicles and sell any parts without an additional license from AMVIC; and
- vi. In regard to the factors for determining the quantum of an administrative penalty set out in the *APR*:
 - 1. The documentation deficiencies and repetitive misconduct is serious;
 - 2. There was no evidence of wilful failure to comply;
 - 3. There is no evidence anyone was negatively impacted by the misconduct;
 - 4. The Appellants have a history of non-compliance as is evidence by the failure to comply with an undertaking;
 - 5. The penalty should be mitigated since the Appellants have made significant admissions and has cooperated;
 - 6. No benefit was derived to the Appellants as a result of their misconduct;
 - 7. The pandemic has caused extraordinary negative financial impact on the Appellants; and
 - 8. The Appellants have made admissions and taken corrective steps.

13. The Director and Appellants provided three cases for the Board's consideration: *City Ford*, *AFG* and *Matthew's Auto*. These show a range of sanction of \$5,000 - \$10,000 for multiple breaches of failure to provide consumers with legislatively required disclosure within the context of automotive sales.

THE GUILTY PLEA IS ACCEPTED

14. S. 31.1(1) of the *ABR* requires that a business operator engaged in automotive sales must disclose various information to the consumer on a sales tag affixed to the vehicle and in writing before purchase. S. 31.3 of the *ABR* states a business operator engaged in automotive sales must not enter into a bill of sale with a consumer unless they have obtained written confirmation that the consumer has received the disclosure required under s. 31.1.
15. The Board finds that the agreed facts show that the Appellants have committed the essential elements of this offence. The facts show the required disclosure and the required written confirmation was not completed. The guilty plea to s. 31.1(1) is accepted.
16. S. 31.2(1) of the *ABR* requires that a bill of sale in an automotive sale must contain various particulars.
17. The Board finds that the agreed facts show that the Appellants have committed the essential elements of this offence. The facts show the bills of sale did not include particulars required under s. 31.2(1)(b), (c), (e), and (f). The guilty plea to s. 31.2(1) is accepted.
18. S. 12(o) of the *ABR* requires that a business operator engaged in automotive sales must comply with any legislation that applies to the selling of vehicles. S. 15(1) of the *VIR* requires that a dealer in motor vehicles, prior to entering into a contract to sell a vehicle, provides to the buyer an MFA that contains various particulars.
19. The Board finds that the agreed facts show that the Appellants have committed the essential elements of this offence. The facts show that for some purchases, no MFA was provided. The facts show that for other purchases, the MFA did not include particulars required under s. 15(1)(c), (d), and (g). The guilty plea to s. 15(1) is accepted.
20. S. 163(d) of the *CPA* states that any person who fails to comply with an undertaking created under the *CPA* is guilty of an offence.
21. The Board finds that the agreed facts show that the Appellants have committed the essential elements of this offence. The facts show that the Appellants entered into an

undertaking with the Director and then violated the terms by breaching s. 31.1(1) and s. 31.2(1) of the *ABR*. The guilty plea to s. 163(d) is accepted.

22. The Appeal Board accordingly also dismisses the allegations that the Appellants breached s. 132 of the *CPA* and s. 9 of the *ABR* as the factual bases of these offences have not been established.

THE PROPOSED SANCTION IS ACCEPTED

23. In accepting or rejecting a joint submission on sanction, the only test the Board must apply is whether the proposed sanction would bring the administration of justice into disrepute or is otherwise contrary to the public interest. This means that we must avoid “rendering a decision that causes an informed and reasonable public to lose confidence in the institution of the courts” (*R. v. Anthony-Cook*, 2016 SCC 43 (CanLII) at paras. 32, 33 and 34; *Timothy Edward Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 at para. 14; *Sammy Vaidyanathan v. College of Physicians and Surgeons of Ontario*, 2021 ONSC 5959 at para. 37).
24. The Board finds the joint submission has been made with due consideration to the seriousness of the misconduct and the repetitive nature of the misconduct, balanced against the responsibility the Appellants are taking for the misconduct and their efforts to change their business practices going forward. The proposed sanction also appears to be within the range of sanctions for similar offences, as described by the case law cited.
25. The Board therefore finds the joint submission would not cause an informed and reasonable public to lose confidence in the institution of the Consumer Services Appeal Board. The Board does not find that the joint submission is contrary to the public interest.
26. Accordingly, the Board accepts the sanction as jointly submitted, and imposes a \$5,000 fine.

CONCLUSION AND ORDER

27. In accordance with the reasons above, the Appeal Board orders the following sanction against the Appellants:

- a. Carter Klepper Inc. of Red Deer and Carter Klepper Inc. of Calgary are ordered to pay \$5,000 for breaches of s. 163(d) of the *CPA*, s. 31.1(1) and s. 31.2(1) of the *ABR*, and s. 15(1) of the *VIR* via s. 12(o) of the *ABR*.
- b. The allegations that the Appellants breached s. 132 of the *CPA* and s. 9 of the *ABR* are dismissed.
- c. No decision is made as to costs.

ISSUED AND DATED at the City of Calgary in the Province of Alberta this 8 day of February, 2022

"original signed by"

Christopher Davison, Chair

In the Matter of an Appeal pursuant to Section 179 of the *Consumer Protection Act*, RSA 2000, c C-26.3 arising from a June 9, 2021 Decision of the Director of Fair Trading (as Delegated) to impose an administrative penalty on Carter Klepper Inc. of Red Deer and Carter Klepper Inc. of Calgary.

DECISION OF THE APPEAL BOARD ON AN APPLICATION FOR MORE INFORMATION

Appeal Board: Christopher Davison (Chair)

<u>Counsel:</u>	Carter Klepper:	for the Appellants, Carter Klepper Inc. of Red Deer and Carter Klepper Inc. of Calgary.
	Paula Hale:	for the Respondent, the Director of Fair Trading (as delegated) ("the Director")

1. This is a decision of the Appeal Board ("Board") on the application of the Appellants for further information than was contained in the disclosure provided by the Director. This decision will be appended to the Board's final decision on this matter.

NATURE OF APPLICATION

2. On June 9, 2021, the Registrar of the Alberta Motor Vehicle Industry Council ("AMVIC"), acting as the Director, rendered a decision to impose a \$7,500 administrative penalty on the Appellants pursuant to s. 158.1(1)(a) of the *Consumer Protection Act*, RSA 2000, c C-26.3 ("CPA").
3. The Director's decision found that the Appellants had violated the following sections of the following legislation:
 - a. S. 132 and 163(d) of the CPA;
 - b. S. 9, 12(o), 31.1(1) and 31.2(1) of the Automotive Business Regulation, Alta Reg 192/1999 ("ABR"); and
 - c. S. 15(5) of the Vehicle Inspection Regulation, Alta Reg 211/2006 ("VIR")
4. On July 15, 2021, the Appellants appealed the Director's decision.
5. On August 18, 2021, the Appellants made an application for further information and evidence from the Director. They stated they had requested this information previously but their request had been denied.

6. The Appellants acknowledged receipt of the Director's disclosure on August 20, 2021.
7. The Board provided the Appellants with an opportunity to provide full submissions on this application, and they did so on August 25, 2021. The Director was then provided with an opportunity to provide response submissions, and did so on August 27, 2021. The Appellants were then provided with an opportunity to provide rebuttal submissions, and did so on September 2 and September 7, 2021.
8. In their September 2, 2021 rebuttal, the Appellants requested an additional piece of evidence that they had not requested in their August 25, 2021 submissions. The Director was provided with an opportunity to respond to this new submission. The Director provided their response on September 20, 2021. The Appellants were provided with a further opportunity to respond and did so on September 27, 2021.
9. The Appellant's response revealed further particulars in regard the particular piece of evidence requested on September 2, 2021. The Director was therefore provided a further response and did so on October 1, 2021.
10. The Appellants have requested the following information and evidence:
 - a. Further details in regard to the administrative penalty such as: details of the allegation the Appellants had failed to provide documents, and the calculations used to arrive at the administrative penalty they are appealing. The Appellants have requested breakdowns for each violation;
 - b. Business licenses, or agreement from the Director that the first retail license for Carter Klepper Inc. of Calgary 2625-26 St NE was issued January 31, 2020;
 - c. Transcripts for the first 5-10 minutes of the January 2020 review in Calgary;
 - d. All transcripts from meetings in Calgary from approximately 2017;
 - e. The cause and fate of Licensing Manager John L. [REDACTED] employment with AMVIC;
 - f. Various evidence in elaboration to what was already provided by AMVIC in regard to the allegations; and
 - g. Transcripts and the recording of the phone interview with Ms. N. [REDACTED] from September 10, 2020.

DECISION

11. For the following reasons, the Appeal Board finds:
 - a. The Director must provide to the Appellants the business licensure date for Carter Klepper Inc. of Calgary within 10 days of this decision;
 - b. The application for the following are dismissed: further details in regard to the administrative penalty, transcripts, the cause and fate of Licensing Manager John

- L [REDACTED] employment with AMVIC, various evidence in elaboration of evidence already provided, and transcripts/recording of the phone call with Ms. N [REDACTED]
- c. The Board appreciates and encourages the Director's offer to provide an outline of each allegation (with reference to the documents they intend to rely on) and the penalty they anticipate seeking for each breach, to the Appellants; and
 - d. The Board encourages the Appellants to make argument at hearing in regard to the weaknesses they perceive in the Director's case.

ISSUES

12. The issues of this application are therefore as follows:

- a. Issue (1) Should the Board grant the Appellant's request for further particulars of the allegations contained in the administrative penalty?
- b. Issue (2) Should the Board grant the Appellant's request for further disclosure of evidence from the Director?

ANALYSIS

Issue 1: Should the Board grant the Appellant's request for further particulars of the allegations contained in the administrative penalty?

13. The Appellants' request for further details in regard to the calculations used to arrive at the administrative penalty and breakdowns for each violation are best analyzed as a request for particulars.

Director's and Appellants' Argument

14. In regard to particulars, the Director argued that the administrative penalty is an adjudicative decision, and the Director does not have the jurisdiction or authority to revisit or further add reasons to his decision. The Director further argued that under s. 179(8) of the CPA, this appeal is a new trial of the issues. The Board is under no obligation to give that decision any weight, and is not bound by the quantum of the administrative penalty. The administrative penalty is therefore no more than allegations against the Appellants. Any arguable unfairness is remedied by the fact this is a new trial of the issues.

15. In the context of what appears to be settlement negotiations, the Director has offered to provide an outline of the Director's position including each allegation, the corresponding section of legislation, and reference to the specific transaction and documents that support

each allegation. The Director further offered to outline the penalty the Director will be seeking for each alleged breach.

16. In regard to particulars, the Appellants argued that the information they requested is currently available, therefore the Director would not be revisit or supplementing their decision. The Appellants argued that they have the right to work with the same information as the Director has. The Appellants argued these particulars will assist in their defence during hearing and in impugning the Director's administrative penalty decision.
17. The Appellants have further stated they would find the outline offered by the Director to be very helpful.

Board's Decision

18. As this is an appeal under s. 179 of the CPA, this appeal is a "new trial" of the issues before the Board (S. 179(8) of the CPA). The Director accordingly must prove any allegations made against the Appellants. The onus and burden of proof is always on the Director.
19. While the administrative penalty had the status of an adjudicative decision, once the appeal was filed it became no more than allegations. This means the Board is in no way bound to consider or evaluate the contents of the administrative penalty when coming to its ultimate decision on this case.
20. However, the administrative penalty is important to the Board for two reasons:
 - a. For the fact that it occurred. An appeal under s. 179(1)(e) of the CPA is not possible unless there was an administrative penalty to appeal in the first place; and
 - b. To ensure this process is procedurally fair.
21. In the professional discipline context, "procedural fairness will only be violated by inadequate particulars if the member is deprived of knowledge of the facts alleged to constitute misconduct, and is therefore deprived of knowledge of his case to meet" (*Hesje v Law Society of Saskatchewan*, 2015 SKCA 2 at para. 51). The practical test for the Board to apply is to determine if the Appellants "know the case [they have] to meet, or [are they] prejudiced in the preparation of [their] defence by the ambiguity in the charge" (*Brendzan v. Law Society (Alberta)*, 1997 CanLII 14825 (AB QB) at para. 48).

22. The Board reviewed the administrative penalty, and finds that there are sufficient particulars for the Appellants to know the case they have to meet. The alleged breaches (as listed in paragraph 3 of this decision) are clearly described. The approximate time and circumstances of each breach are described in detail. The factors considered by the Director in arriving at the administrative penalty are listed, though specific analysis of each factor is not described. The Board finds, on a balance of probabilities, these details are sufficient for the Appellants to prepare a defence in the context of a new trial. The Board finds the Appellants are not prejudiced in the preparation of a defence by any ambiguity in the administrative penalty.
23. Accordingly, the Appellants' application for further particulars is dismissed.

Aside – the outline offered by the Director

24. That being said, in the context of what appears to be possible settlement negotiations, the Director has very generously offered to provide an outline of each allegation (with reference to the documents they intend to rely on) and the penalty they anticipate seeking for each breach. The Appellants have stated they would find an outline of great assistance, also possibly for settlement of this matter. The Board appreciates the Director's generosity to the Appellants, and encourages the parties take these steps if it assists in their negotiations.

Issue 2: Should the Board grant the Appellant's request for further disclosure of evidence from the Director?

25. The Appellants' request for further evidence from the Director is best analyzed as a request for disclosure.

Director's and Appellants' Argument

26. In regard to the request for business licenses or agreement as to the date, the Director agreed to provide the licensure date for the Calgary location. In regard to the request for transcripts from 2017 and January 2020, the Director argued that while the February 2020

undertaking being relied upon has been disclosed, the actions which lead to the undertaking are not being appealed and are not relevant. These are previous administrative proceedings which have not been appealed, and the Appellants should not be allowed to collaterally attack previous administrative decisions. In regard to additional evidence, the Director argues they have no intention of relying on any evidence which was not already disclosed to the Appellants.

27. In regard to the recording of the phone interview with Ms. N [REDACTED] the Director informed the Board that no such recording ever existed. The phone call was not recorded.
28. The Appellants argue that the evidence already provided was vague, incomplete or non-existent, disorganised, repetitive, and does not support the Director's conclusions; the disclosure requested will help prove this. The Appellant argued without the requested disclosure, the hearing will contain nothing more than hearsay and AMVIC's opinion rather than actual facts. They argue the requests are simple and information known to be available. The Appellants (again) argue that they have the right to work with the same information as the Director has.
29. In regard to transcripts, the Appellants argue the opening comments in the review January 2020 reveal how AMVIC drastically changed the purpose of that meeting, which took the Appellants by complete surprise. The Appellants allege that during this meeting AMVIC made admissions which directly contradicts the facts and render their conclusions invalid. This information should be heard at hearing.
30. In regard to the phone call with Ms. N [REDACTED] the Appellants argue that AMVIC's case, for the most part, is based on the phone interview and Ms. N [REDACTED] recollections and interpretations of the Appellant's alleged statements. Listening to the recording will support and assist the Appellant's defence. The Appellants argue that each meeting with AMVIC began with their consent to recoding the proceedings so the recording should exist unless destroyed.

Board's Decision - Business licence, or agreement

31. As the Director has agreed to provide a date for the business licensure date for the Calgary location, the Board will order that date be provided to the Appellants.

Board's Decision – Transcripts

32. It is trite law that evidence in the Director's possession which is irrelevant to the proceedings need not be disclosed.
33. It is worth noting that the Supreme Court has unequivocally rejected the idea that disclosure akin to a criminal case must be provided in an administrative law context (*May v. Ferndale Institution*, 2005 SCC 82 at para. 91). In criminal cases, an accused is owed all of the "fruits of the investigation" which include all exculpatory and inculpatory evidence in the possession of police or prosecutors. They are owed this high level of disclosure because of the potential consequence of being incarcerated due to the criminal proceeding.
34. In the administrative law context, less is owed. The duty of procedural fairness generally requires that the Appellants are given sufficient disclosure to know the case they have to meet. The Appellants must be provided with "an opportunity... to know the opposing party's case so that they may address evidence prejudicial to their case and bring evidence to prove their position" (*May v. Ferndale Institution*, 2005 SCC 82 at para. 92).
35. Having reviewed the administrative penalty, the Board finds that all the breaches alleged are in regard to conduct that happened after the Appellants signed the February 12, 2020 undertaking. All the breaches alleged appear to have arisen as a result of the investigation that occurred on (and resulted from) the phone inspection, conducted by Ms. N [REDACTED] that took place on September 20, 2020.
36. In regard to the request for transcripts from 2017 and January 2020, the Board finds this evidence is irrelevant to these proceedings. The requested transcripts do not enable the Appellants to know the Director's case in regard to the allegations.
37. Some of the evidence requested appears relevant to the creation of the February 12, 2020 undertaking; however this undertaking is not being appealed. Even if the Appellants were attempting to challenge this undertaking, the Board does not have jurisdiction under s. 179

of the CPA to review any undertaking. Challenging an undertaking appears to only be possible on application to the Court of Queen's Bench of Alberta pursuant to s. 154 of the CPA.

38. Accordingly, the Appellants request for transcripts is dismissed.

Board's Decision - The cause and fate of Licensing Manager John L [REDACTED] employment with AMVIC

39. Insufficient evidence was provided to the Board to establish the relevance of the cause and fate of Licensing Manager John L [REDACTED] employment with AMVIC. The Board finds that on a balance of probabilities, this evidence is irrelevant. As stated above, irrelevant evidence does not need to be disclosed.

40. Accordingly, the Appellants' application for evidence in regard to the cause and fate of Licensing Manager John L [REDACTED] employment with AMVIC is dismissed.

Board's Decision - Additional evidence in elaboration and transcripts/recording of the phone interview with Ms. N [REDACTED]

41. The Appellants have requested various evidence to elaborate on the allegations. Based on the submissions of the parties, the Board finds that the Director has met their disclosure obligation with the disclosure that was already provided. The Director stated they do not intend on relying on any evidence that has not already been disclosed. In addition, the Director is under no obligation to create additional evidence that does not yet exist for the purpose of elaborating on the evidence already collected. The Board finds that the extent of the disclosure provided enables the Appellants to know the Director's case.

42. In particular, in regard to the transcript and phone recording with Ms. N [REDACTED] the Board finds this evidence would be highly relevant; evidence of what occurred during this phone call appears to be central to the Director's case. However, this phone call was never recorded. The Director is under no obligation to disclose evidence that never existed.

43. Accordingly, the Appellants' application for various evidence to elaborate the allegations and transcripts/recordings of the phone interview with Ms. N [REDACTED] is dismissed.

Aside – The Appellant's position on the Director's case

44. The Appellants have argued throughout this application that the Director's case is inadequate and false. They point to various weaknesses in the Director's case.
45. The Board would like to advise the Appellants that, though this argument does not entitle them to the information they have requested, the Appellants will have an opportunity to argue these points at the hearing. Arguments about weaknesses in the Director's case are entirely appropriate for the Appellants to put forward at a hearing.

CONCLUSION AND ORDER

46. In accordance with the reasons above, the Board orders:
- a. The Director must provide to the Appellants the business licensure date for Carter Klepper Inc. of Calgary within 10 days of this decision;
 - b. The application for the following are dismissed: further details in regard to the administrative penalty, transcripts, the cause and fate of Licensing Manager John L [REDACTED] employment with AMVIC, various evidence in elaboration of evidence already provided, and transcripts/recording of the phone call with Ms. N [REDACTED];
 - c. The Board appreciates and encourages the Director's offer to provide an outline of each allegation (with reference to the documents they intend to rely on) and the penalty they anticipate seeking for each breach, to the Appellants; and
 - d. The Board encourages the Appellants to make argument at hearing in regard to the weaknesses they perceive in the Director's case.
47. No decision is made as to costs.

ISSUED AND DATED at the City of Calgary in the Province of Alberta this 1st day of October, 2021

"original signed by"

Christopher Davison, Chair