



Re: 140220 3BC-ING0712 Cancellation Issues

1 message

Megan Porter <megan.porter@nwb-oen.ca>

Wed, Apr 2, 2014 at 10:17 AM

To: "Teresa L. Meadows" <Teresa@shoresjardine.com>

Cc: Erik Skiby <erik.skiby@nwb-oen.ca>, Phyllis Beaulieu <phyllis.beaulieu@nwb-oen.ca>

Hi Teresa,

Sorry it took me so long to reply.

1. The licensee has been out of compliance since July 2008.
2. Currently owes \$127.50
3. The current license expired September 30, 2012
4. Yes all emails are still going through and i believe the licensee does exist.
5. the licensee hasn't submit any annual reports as required in the licence.

Any other questions, let me know and i will try to answer to the best of my knowledge.

Regards,



Megan Porter- LALU >4C

Licence Administrator Assistant- Administratrice des permis

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 Merci de penser à l'environnement avant d'imprimer ce courriel / Thank you for thinking of the environment before printing this email

On Mon, Feb 24, 2014 at 8:15 AM, Teresa L. Meadows <Teresa@shoresjardine.com> wrote:

Dear Megan,

Happy Monday...sorry for the delay in getting back to you—it's been a very hectic week.

In order to give specific advice on a particular file, it is helpful for me to know some of the details, such as:

- how long the licensee has been out of compliance by failing to pay fees owing under the licence (i.e. has the licensee been out of compliance for years and years or only just since receiving the notice of the recalculation of fees from the Minister a couple years ago, etc.);
- how much is owed by the licensee;
- is the licence current or has it expired (and if it expired when);
- do we know whether the licensee named in the licence continues to exist (i.e. you're e-mails to the contacts listed are still going through to them or are they being bounced?);
- are there any other obligations under the Licence that have not been complied with by this licensee (e.g. not submitting reports on time or at all, outstanding plans or drawings that have yet to be provided, etc.)

However, in advance of knowing the specific facts in this case, I can say that in general, like any other obligation under the Licence, failing to comply with a term and condition of the licence can become an enforcement issue. However, before something like this would typically be flagged for AANDC enforcement by the Board, the Board is generally bound to ensure the Licensee is treated fairly, and this requires that: (a) the Licensee had notice that there was an outstanding obligation under the Licence that has put them out of compliance; (b) the Licensee was given a reasonable opportunity to come back into compliance; and (c) it is made clear to the Licensee that failing to come back into compliance could result in enforcement consequences.

Although some of this depends on the facts in each case, if the Board has met the three requirements just listed, then the matter may be something you want to flag for AANDC enforcement.

If you want to discuss this further, I will be back in the office on Wednesday.

Teresa



Teresa L. Meadows

Associate

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From: Megan Porter [mailto:megan.porter@nwb-oen.ca]

Sent: Thursday, February 20, 2014 1:18 PM

To: Teresa L. Meadows

Cc: Damien Côté; Phyllis Beaulieu

Subject: 140220 3BC-ING0712 Cancellation Issues

