

MANITOBA) **Order No. 27/14**
)
THE PUBLIC UTILITIES BOARD ACT) **March 11, 2014**

BEFORE: Karen Botting, B.A., B.Ed., M.Ed., Panel Chair
The Hon. Anita Neville, P.C., B.A. (Hons.), Member
Susan Proven, P.H.Ec., Member

**THE CONSUMERS' ASSOCIATION OF CANADA (MANITOBA) INC./
COMMUNITY OF FINANCIAL COUNSELLING SERVICES/
WINNIPEG HARVEST:
AWARD OF COSTS - PAYDAY LOAN HEARING**

Introduction

By this Order, the Public Utilities Board (Board) approves an application for a cost award to the Consumers' Association of Manitoba Inc./Community Financial Counselling Services/Winnipeg Harvest (Coalition), with respect to the Coalition's intervention in the Winnipeg based hearing. The purpose of the hearing was for the Board to make recommendations to the Province of Manitoba (MB) with respect to maximum rates for payday loans. The Board awards the Coalition \$54,290.75 in costs.

The proceeding took place over the course of six months, extending from the initial Notice published March 23, 2013 to the Board's report being issued September 23, 2013.

Pursuant to Section 164(10) of *The Consumer Protection Act* (CPA), the Board has jurisdiction to award costs of, and incidental to, the payday loan proceeding. The Board's Rules of Practice and Procedure (Rules) stipulate four criteria for determining whether costs should be awarded, the applicant must have:

1. made a significant contribution that was relevant to the proceeding and contributed to a better understanding by all parties of the issues before the Board;
2. participated in a responsible manner and cooperated with other Interveners with common objectives in order to avoid a duplication of intervention;
3. had insufficient financial resources to participate in the proceeding without an award of costs; and
4. had a substantial interest in the outcome of the proceeding and represented the interests of a substantial number of consumers.

Application

By an application submitted January 28, 2014 the Coalition applied for an award of costs of \$54,290.75, comprised of:

Costs sought by the Coalition in the Payday Lending Review		
Mr. Byron Williams	Fees	\$ 18,240.00
	Disb	\$ 9,142.50
Dr. Chris Robinson	Fees	\$ 8,295.75
	Disb	\$ 480.00
Dr. Jerry Buckland	Fees	\$ 12,960.00
Ms. Dana Bazarkulova	Fees	\$ 1,110.00
Dr. Wayne Simpson	Fees	\$ 4,062.50
		<u>\$ 54,290.75</u>

The Coalition noted that the final costs were slightly lower than the original estimate of \$56,736. The Coalition submits that the total bill of costs is appropriate, given the length and complexity of the hearing.

Board Findings

The Board is satisfied that the Coalition has met all of the criteria for an award.

The Coalition represented consumers with a substantial interest in the matters explored and determined through the proceeding. The Coalition has submitted that the payday lending customers are particularly vulnerable in the marketplace, and that the persons represented by the Coalition or served by members of the Coalition are disproportionately vulnerable.

The Coalition's counsel and witnesses provided responsible and co-operative participation, each making a substantial contribution to the proceedings and each having contributed to a better understanding of the matters before the Board.

The Board is satisfied that the participation of the Coalition through its witnesses and the information and perspective it conveyed through the proceeding was of considerable value. The Board expresses its appreciation to the Coalition and its witnesses for their contributions to the proceedings.

Accordingly, the Board will grant the Coalition's request for costs as submitted.

IT IS THEREFORE ORDERED THAT:

Consumers' Association of Manitoba Inc. be awarded costs in the amount of \$54,290.75.

THE PUBLIC UTILITIES BOARD

"Karen Botting, B.A., B.Ed., M.Ed."

Panel Chair

"Hollis M. Singh"

Secretary

Certified a true copy of Order No. 27/14
issued by The Public Utilities Board

Secretary