

M A N I T O B A) Order No. 138/09
)
THE PREARRANGED FUNERAL SERVICES ACT)
)
THE PUBLIC UTILITIES BOARD ACT) October 5, 2009

BEFORE: Graham Lane, CA, Chairman
Susan Proven, P.H.Ec., Member
Monica Girouard, C.G.A., Member

RUSSELL FUNERAL HOMES LTD.
ORDER TO PAY

WHEREAS the Public Utilities Board administers *The Prearranged Funeral Services Act* (PFSA):

AND WHEREAS Harvey John Giesbrecht owner and President of Russell Funeral Homes Ltd. was issued a licence under the PFSA to provide funeral services of another person under a prearranged funeral plan and to solicit persons to enter into a prearranged funeral plan;

AND WHEREAS a licensee who enters into a prearranged funeral plan is trustee of all monies paid under the plan and shall, within the time prescribed in the regulations, pay to the authorized trustee to be deposited in a special fund provided by the authorized trustee by agreement with the licensee;

AND WHEREAS a licensee is required to pay money received under a prearranged funeral plan to an authorized trustee within 30 days of the end of the calendar month in which the money is received by the licensee or the agent of the licensee;

AND WHEREAS the Public Utilities Board has knowledge that monies accepted by Harvey John Giesbrecht and Julie Theresa Giesbrecht were not placed into a trust account as is required by the PFSA;

AND WHEREAS the Public Utilities Board has determined, at this time, the amount not placed in a trust account as is required by the PFSA to be \$97,956.37; and

AND WHEREAS Section 52(2) *The Public Utilities Board Act* provides:

In the case of an order of the board for payment of any money, costs, expenses, or penalty, a certificate of the order, signed by the secretary, may be registered in the office of any land titles district in the province; and when so registered it constitutes a lien and charge upon any lands or interest therein, of the party or person or company ordered to pay the money, in the land titles district in which the office is situated, to the same extent, and in the same manner, as the lands would be bound by the registration of a certificate of a judgment of the Court of Queen's Bench.

IT IS THEREFORE ORDERED THAT:

1. Russell Funeral Homes Ltd., Harvey John Giesbrecht and/or Julie Theresa Giesbrecht shall forward payment to the Public Utilities Board the sum of \$97,956.37, no later than October 7, 2009; and
2. If payment has not been received by October 7, 2009 by certified cheque or money order by the Public Utilities Board, the Public Utilities Board shall register a certificate of order as a lien and charge against all properties in the name or names of:
 - a. Russell Funeral Homes Ltd.;
 - b. Harvey John Giesbrecht;
 - c. Julie Theresa Giesbrecht; or
 - d. Any combination of a, b and c.

THE PUBLIC UTILITIES BOARD

"GRAHAM LANE, C.A."
Chairman

"KRISTINE SHIELDS"
Acting Secretary

Certified a true copy of Order
No. 138/09 issued by The Public
Utilities Board

Acting Secretary