

M A N I T O B A ) Order No. 174/09  
)  
THE PREARRANGED FUNERAL SERVICES ACT )  
)  
THE PUBLIC UTILITIES BOARD ACT ) December 23, 2009

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

RUSSELL FUNERAL HOMES LTD.  
AMENDING  
ORDER TO PAY

**WHEREAS** the Public Utilities Board (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** Board Order 138/09 (issued on October 5, 2009) requires Russell Funeral Homes Ltd., Harvey John Giesbrecht and/or Julie Theresa Giesbrecht to forward payment to the Public Utilities Board the sum of \$97,956.37, no later than October 7, 2009;

**AND WHEREAS** payment was not received by October 7, 2009 and the Board registered a certificate of order as a lien and charge against all properties in the name or names of Russell Funeral Homes Ltd., Harvey John Giesbrecht, and/or Julie Theresa Giesbrecht;

**AND WHEREAS** the Board (through further investigation) has determined additional funds aggregating \$23,873.07 were accepted by Harvey John Giesbrecht and/or Julie Theresa Giesbrecht and were not placed, as required by the PFSA, into a trust account;

**AND WHEREAS** the Board has incurred costs with respect to the investigation;

**AND WHEREAS** these costs incurred to December 22, 2009 amount to \$12,339.42; 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 \$36,212.49, no later than January 4, 2010; and
2. If payment has not been received by January 4, 2010 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. 174/09 issued by The Public  
Utilities Board

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Acting Secretary