



FINANCIAL SERVICES TRIBUNAL

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July 8, 2015

File No. 2015-FIA-001

Via Email

Antony Fransen
Fransen Insurance Services Ltd.
3580 Gates Road,
West Kelowna, BC V4T 1A3

Ministry of Justice
Legal Services Branch
1301 865 Hornby Street
Vancouver BC V6Z 2G3

Attention: Joni Worton

Alexander Holburn Beaudin & Lang LLP
2700-700 West Georgia Street
Vancouver BC V7Y 1B8

Attention: David McKnight

**Re: Appeal to the Financial Services Tribunal (“FST”) and Application for a Stay-
Fransen Insurance Services Ltd. (dba Sea to Ski Insurance Services) and Antony
Fransen v. Insurance Council of British Columbia (“Council”) and Financial
Institutions Commission (“FICOM”)**

On June 30, 2015, the FST received a Notice of Appeal filed by Antony Ronald Fransen on behalf of Fransen Insurance Services Ltd. (dba Sea to Ski Insurance Services) (the “Agency”), and on his own behalf as the “Nominee” (collectively referred to as the “Appellants”), under section 238 and 242 of the *Financial Institutions Act* (the “Act”). The appeal is of a Decision and Order of the Insurance Council of British Columbia (the “Council”) dated June 19, 2015 (the “Order”), regarding Fransen Insurance Services Ltd. and Antony Fransen, suspending the general insurance licenses of the Agency and the Nominee pending completion and consideration by Council of an investigation under section 232 of the Act, and of Council’s finding that he was in breach of a May 21, 2015 Order and the automatic suspension arising from that breach, of which he was notified on June 12, 2015 (the “Notice”).

At the same time he filed his appeal, Mr. Fransen made an application for a stay of the Order until a final determination of the appeal of the matter.

After receipt of the notice of appeal and application for a stay, the FST provided notice of the appeal and the stay application to the Respondents and at the request of Council directed that a telephone conference call be convened on short notice to hear oral submissions on the interim stay issue and provide an opportunity for the Respondents to be heard. A teleconference was convened and attended by the Appellant and on behalf of Council, by Mr. Robert Tanaka, Director of Compliance, and David McKnight, Counsel. Counsel for FICOM advised that it takes no position on the application for a stay and did not participate in the teleconference.

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Council did not wish to make any significant argument against the granting of a stay, but provided background information that was useful in informing appropriate conditions should a stay be granted. Counsel for the Insurance Council confirmed that notwithstanding the granting of a stay, Council's Order and Decision dated May 21, 2015, which is not the subject of an appeal to the FST, will remain in full force and effect. The Appellant acknowledged his ongoing responsibility to fully comply with the conditions attached to the Agency's general insurance licence as set out in that Order. Counsel further advised that if the conditions required by Rule 7(11) and Rule 7(13) of the Insurance Council Rules were in place, Council would not object to a stay of the June 19, 2015 Order, on the understanding that the Appellants must still comply with the July 21st deadlines in the previous order.

Accordingly, upon consideration of the Appellants' application for a stay and in light of the concerns and conditions identified by Council, pursuant to section 242.2(10)(a)(i) of the *Act*, I direct that the Appellants' application for a stay of the June 12, 2015 Notice and June 19, 2015 Order of the Insurance Council of British Columbia, pending a determination of the appeal, is hereby granted on the conditions that:

- (a) the Appellant remain in compliance with Council Rules 7(11) and 7(13); and
- (b) the Appellant immediately provide Council by email with copies of documents showing the existence of the errors and omissions insurance and written agreement required by those two Rules, respectively.

Sincerely,

"Patrick Lewis"

Patrick F. Lewis
Vice-Chair
Financial Services Tribunal