



Financial Services Tribunal

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May 26, 2020
Via Email

Appeal File: FST-FIA-20-A001

Re: Appeal to the Financial Services Tribunal (“FST”) – Zou v. Insurance Council of British Columbia and British Columbia Financial Services Authority

The FST acknowledges receipt of Ms. Zou’s emails dated April 19 and 20, 2020 and her counsel, Mr. Davidson’s letter of May 1, 2020.

The question raised in the correspondence was why Ms. Zou must start a new appeal and pay another \$850 appeal fee when the matter at issue has to do with the same penalty which was assessed against Ms. Zou by the Insurance Council.

The answer to the question, the reason Ms. Zou must do so, is because the FST, and myself as the Panel Chair, no longer have jurisdiction/authority over the decision made in Ms. Zou’s original appeal.

My options regarding the costs issue under appeal were to either confirm, reverse, vary or send the matter back to the Insurance Council for reconsideration with or without directions. When I sent the matter of costs back to the Insurance Council for reconsideration with directions, that was a final order of the FST. At that point, the FST had completed its role.

With respect to his argument that the FST should consider the April 02, 2020 decision as part of the prior appeal, Mr. Davidson seems to imply that my order was not a final order, and that I somehow remained seized of the matter. While I am reluctant to add to my reasons, I wish to remove any further uncertainty in this matter by making clear that the remedy I issued under section 242.2(11) of the *Financial Institutions Act* was a final order which did not reflect or express any intention that I remain seized, or that the appeal would remain open pending further reasons from the Council.

Regarding the decision of the Insurance Council effective April 2, 2020, this is a **new decision** from them, even though the costs amount remained the same as in the old decision. Unless a new appeal is filed, there is no power for the FST to review a new decision after a matter has been sent back for reconsideration.

On the issue of whether you wish to proceed with this new appeal, I acknowledge that you have provided your signed April 20, 2020 “appeal notice letter”. Please note, however, that your appeal is still considered deficient under section 22 of the ATA as you have not provided the requisite filing fee of \$850, payable to the Minister of Finance. The \$850 filing fee is a requirement of the legislation, and the FST has no statutory authority to waive it. If you decide to proceed with the appeal and you are successful in the outcome, you may seek to argue that you are entitled to claim that amount back in costs.

If you wish to have your appeal considered by the FST, please provide the filing fee on or before **June 12, 2020**.

Yours truly,

"Jane Purdie"

Jane A. G. Purdie, Q.C.
Panel Chair
Financial Services Tribunal

2020-05-26 LT Zou re Appeal