



*Food Delivery Service Fee Act*

FOOD DELIVERY SERVICE FEE  
REGULATION

**B.C. Reg. 249/2022**

Deposited November 28, 2022 and effective January 1, 2023

**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 249/2022 (O.C. 641/2022), deposited November 28, 2022 and effective January 1, 2023, is made under the *Food Delivery Service Fee Act*, S.B.C. 2022, c. 30, s. 27.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

Prepared by:  
Office of Legislative Counsel  
Ministry of Attorney General  
Victoria, B.C.

## *Food Delivery Service Fee Act*

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#### **Definitions**

- 1 In this regulation, “**Act**” means the *Food Delivery Service Fee Act*.

#### **Reference period**

- 2 For the purposes of the definition of “reference period” in section 1 [*definitions*] of the Act, the specified period is, as applicable,
  - (a) the period beginning on January 1 and ending on the following June 30, or
  - (b) the period beginning on July 1 and ending on the following December 31.

#### **Base tier fee**

- 3 For the purposes of the definition of “base tier fee” in section 3 [*definitions for Division 1 of Part 3*] of the Act, the specified amount, in relation to a customer’s order of food or beverages from a restaurant, is 20% of the total amount, not including taxes and gratuities, that the restaurant operator charges the customer for the food or beverages.

#### **Threshold number of restaurants**

- 4 For the purposes of the definition of “threshold number” in section 3 of the Act, the specified number of restaurants is 500.

#### **Delayed application of sections 5 (1) and 6 of Act**

- 5 For the purposes of section 4 (3) [*application of Division 1 of Part 3*] of the Act, the prescribed period is 14 days.

#### **Notice of cancellation of agreement**

- 6 For the purposes of section 6 (2) (a) (i) [*right to cancel agreement*] of the Act, the prescribed number of days is 7 days.

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**Retention of records**

- 7 The following periods are prescribed for the purposes of section 8 (2) [*requirement to retain records*] of the Act:
- (a) in the case of a record referred to in section 8 (1) (a), (b) or (d) of the Act, 3 years after the date the record is created;
  - (b) in the case of a record referred to in section 8 (1) (c) of the Act, 3 years after the end of the reference period to which the record relates.

**Complaints – time limit**

- 8 For the purposes of section 9 (2) (a) [*restaurant operators may make complaint to director*] of the Act, the prescribed period is 1 year.

**Administrative penalties – contraventions**

- 9 For the purposes of section 15 (1) (a) [*administrative penalties*] of the Act, the following provisions of the Act are prescribed:
- (a) section 5 (1) (a) and (3) [*fees for services that include core services*];
  - (b) section 6 (2) (b) [*right to cancel agreement*];
  - (c) section 7 (1) [*no reduction of compensation*];
  - (d) section 8 [*requirements to prepare, maintain and retain records*];
  - (e) section 12 (2) [*powers to require records and information*].

**Maximum amount of administrative penalty**

- 10 For the purposes of section 17 (2) [*amount of administrative penalty*] of the Act, the specified amount is \$2 300.

**Payment of administrative penalty**

- 11 For the purposes of section 18 (a) [*payment of administrative penalty*] of the Act, the prescribed period is 30 days.

**Reconsiderations – time limit**

- 12 For the purposes of section 22 (2) (a) (ii) [*reconsiderations*] of the Act, the prescribed period is, as applicable, 30 days after the date that a person receives
- (a) a compliance order under section 13 of the Act, or
  - (b) a notice of administrative penalty under section 16 of the Act.