


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 641

, Approved and Ordered November 28, 2022



Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 1, 2023,

- (a) the *Food Delivery Service Fee Act*, S.B.C. 2022, c. 30, is brought into force, and
- (b) the attached Food Delivery Service Fee Regulation is made.



Minister of Jobs, Economic Recovery and Innovation



Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Food Delivery Service Fee Act*, S.B.C. 2022, c. 30, ss. 27 and 29

Other:

R20627540

# FOOD DELIVERY SERVICE FEE REGULATION

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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.

### **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.