



**To:** Community Safety Committee

**Date:** May 31, 2012

**From:** Andrew Nazareth  
General Manager, Business and Financial Services

**File:** 12-8060-02-09/Vol 01

**Re:** Bylaw Amendments - Scrap Metal Dealers

**Staff Recommendation**

1. That Business Licence Bylaw No. 7360, Amendment Bylaw No. 8919, that provides for Business Licence requirements for scrap metal dealers and recyclers and various housekeeping amendments, be introduced and given first reading.
2. That Business Regulation Bylaw No. 7538, Amendment Bylaw No. 8920, that removes requirements relating to scrap metal dealers, be introduced and given first reading.

Andrew Nazareth  
General Manager, Business and Financial Services  
(604-276-4095)

Att. 3

REPORT CONCURRENCE			
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Law	<input checked="" type="checkbox"/>		
RCMP	<input checked="" type="checkbox"/>		
Community Safety	<input checked="" type="checkbox"/>		
<b>REVIEWED BY TAG SUBCOMMITTEE</b>	<b>INITIALS:</b> 	<b>REVIEWED BY CAO</b>	<b>INITIALS:</b> 

## Staff Report

### Origin

On November 24, 2011 the Province passed legislation pertaining to Metal Dealers and Recyclers and in May of 2012, introduced regulations to support the legislation. The legislation and regulations come into force on July 23, 2012. This report addresses this legislation and regulations as they relate to City of Richmond Business Licence and Regulation Bylaws. In addition, this report and accompanying Amendment Bylaws introduce minor housekeeping amendments to these bylaws.

### Analysis

#### *Scrap Metal Dealers*

With the introduction of the Provincial Metal Dealers and Recyclers Act and related Regulations, Scrap Metal Dealers (or Metal Dealers and Recyclers under the provincial legislation) will be regulated under an overall provincial program.

When Richmond City Council first introduced regulations on Scrap Metal Dealers in 2007, part of those regulations focused on the recording and reporting of information to local law enforcement. The Provincial regulatory regime is similar to the City's Bylaw focus and will continue to draw upon the resources of local police authorities (i.e. Richmond RCMP) to inspect and enforce the regulations to address scrap metal theft. An information package on the Provincial Program is appended.

As to not duplicate or conflict with the Provincial program, the proposed accompanying Bylaw Amendments will sever the City's regulatory regime over Scrap Metal Dealers effectively relying on the Provincial legislation and regulations to regulate and control the activities of Metal Dealers and Recyclers.

The requirements in the current City Bylaw for Scrap Metal Dealers to record and report information also apply to Pawnbrokers' and Second-hand Dealers. The proposed amendment bylaw deletes references to Scrap Metal Dealers leaving only Pawnbrokers' and Second-hand Dealers to comply with those recording and reporting provisions.

The Provincial program has set January 23, 2013, as the deadline for Metal Dealers and Recyclers to be registered with the Province to carry out this nature of business. Implementation of amendments to Richmond's Business Licence Bylaw to impose specific licensing requirements for those businesses is proposed to take effect at the same time. Staff will contact the affected businesses prior to the Provincial deadline to require them to apply / re-apply for their Richmond Business Licence as a Metal Dealer and Recycler and require ongoing proof of registration under the provincial program.

City staff will continue to monitor the scrap metal industry and support Community Safety efforts in responding to public complaints and if necessary, propose means for dealing with issues or shortcomings of the Provincial Act or Regulations.

*Housekeeping Amendments*

The housekeeping amendments proposed for the Business Licence Bylaw will delete reference to the repealed Zoning Bylaw No. 5300 and update those references to the new Richmond Zoning Bylaw No. 8500.

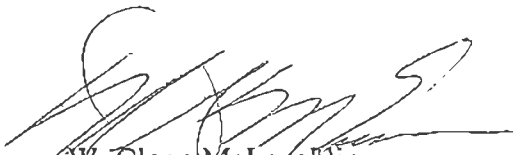
In addition, a housekeeping amendment to the Business Licence Bylaw is proposed to delete the reference under Section 2.2 to a Dog Kennel (Hobby) establishment that has since ceased operation.

**Financial Impact**

There is no financial impact to the City.

**Conclusion**

With the introduction of the Provincial Metal Dealers and Recyclers Act and related Regulations, this report recommends that two City Bylaws be amended to recognize the new Provincial oversight of metal dealers and recyclers.



W. Glenn McLaughlin  
Chief Licence Inspector & Risk Manager  
(604-276-4136)

WGM:wgm



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**Business Licence Bylaw No 7360,  
Amendment Bylaw No. 8919**

The Council of the City of Richmond enacts as follows:

1) **Business Licence Bylaw No. 7360**, as amended, is further amended:

a) at PART TWO: SPECIAL BUSINESS LICENCE APPLICATION REQUIREMENTS by adding the following after section 2.1.30:

**“2.1.31 Metal Dealer or Recycler**

2.1.31.1 A **metal dealer or recycler** must provide, to the **Licence Inspector** when applying for a **licence**, a copy of a registration issued pursuant to the *Metal Dealers and Recyclers Act*, S.B.C. 2012, c. 22, as amended or replaced from time to time.

2.1.31.2 Upon each renewal of the registration referred to in section 2.1.31.1, a **metal dealer or recycler** must provide a copy of the renewal registration to the **Licence Inspector** within thirty (30) days of renewal.

2.1.31.3 A **metal dealer or recycler** must promptly notify the **Licence Inspector** in writing if its Provincial registration or renewal registration is suspended or cancelled for any reason.

b) at section 3.6 by deleting the paragraph relating to **Scrap Metal Dealer** in its entirety and substituting the following, in alphabetical order:

**“Metal Dealer or Recycler**, which means a “metal dealer or recycler” under the *Metal Dealers and Recyclers Act*, S.B.C. 2012, c. 22, as amended or replaced from time to time.”

c) at section 3.6 by deleting the paragraph relating to **Second Hand Dealer** in its entirety and substituting the following:

**“Second Hand Dealer**, which means a person who carries on the business of purchasing, selling, procuring or offering for sale used or second-hand items whether on a wholesale or retail basis, or who operates the premises of a second-hand dealer, and includes, without limitation:

- (a) an auto wrecker who carries on the business of purchasing automobiles and automobile parts and components for the purpose of reselling as parts or components for reuse or as junk;
- (b) a junk dealer;
- (c) a person who keeps a store, shop, or other place of business for the purpose of carrying on a second-hand dealer operation; and
- (d) a person who, while licensed or required to be licensed for any business other than the businesses referred to in this Bylaw, purchase or store second-hand items either as a principal or as an agent;
- (e) a person who carries on the business of retailing or wholesaling used property limited to
  - (i) antiques;
  - (ii) used books, papers, magazines, vinyl records or long-playing records;
  - (iii) used clothing, footwear, costume jewellery, knickknacks, used furniture or houseware items such as dishes, pots, pans, cooking utensils and cutlery,

but does not include:

- (f) a person who deals in recyclable materials for the sole purpose of recycling to avoid waste, such as bottles, cans, plastics, glass, cardboard, paper or other recyclable materials;
- (g) a person who holds a valid licence issued by the Province of British Columbia to deal in used motor vehicles; or
- (h) a **metal dealer or recycler**.

- d) by deleting section 2.2 in its entirety;
- e) at sections 1.6, 2.1.21.3(a)(iii), 2.1.21.4(a)(iii), 2.4.1(f)(iii) and (iv), section 3.8 in the reference to **Home Occupation**, and section 7.1 in the definition of **BED & BREAKFAST ESTABLISHMENT**, by deleting the words “**Zoning and Development Bylaw**” and substituting with “**Zoning Bylaw**”; and
- f) at section 7.1, by deleting the definition of **ZONING AND DEVELOPMENT BYLAW** in its entirety and substituting the following:

“**ZONING BYLAW** means Richmond Zoning Bylaw 8500, as it may be amended or replaced from time to time.

2) Sections 1(a) to (c) of this Bylaw come into force and effect on January 23, 2013.

3) This Bylaw is cited as “**Business Licence Bylaw No. 7360, Amendment Bylaw No. 8919**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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MAYOR

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CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originaling dept 
APPROVED for legality by Solicitor 



**Business Regulation Bylaw No 7538,  
Amendment Bylaw No. 8920**

The Council of the City of Richmond enacts as follows:

- 1) **Business Regulation Bylaw No. 7538**, as amended, is further amended:
- a) by deleting the title for Part Nineteen and substituting the following and making the corresponding change to the Table of Contents:

**“PART NINETEEN: SECOND HAND DEALER AND PAWN BROKER  
REGULATION”**

- b) at section 19.1 by deleting the definitions of **JUNK**, **SCRAP METAL** and **SECOND-HAND ITEM** and substituting the following, in alphabetical order:

**“JUNK** means used or old **property** including scrap rubber, rubber tires, metal, bottles, glass, broken glass, paper, sacks, wire, ropes, rags, machinery, or waste, and property of similar nature commonly found in a junk shop.

**REGULATED METAL** means a “regulated metal” under the *Metal Dealers and Recyclers Act*, S.B.C. 2012, c. 22, as amended or replaced from time to time.

**SECOND-HAND ITEM** means any good, chattel, ware, merchandise, article or thing that is **purchased**, sold, procured, offered for sale, or taken in **pawn**, except **regulated metal**.”

- c) by deleting paragraphs 19.2(b)(viii) and (ix) in their entirety;
- d) at paragraph 19.4(b) by deleting the reference to “6900 Minoru Boulevard” and substituting “11411 No. 5 Road”;
- e) at paragraph 19.9 by adding the following after (d):

“(e) **purchase**, sell, keep or take in **pawn** any **regulated metal**.”

- f) by deleting paragraphs 19.11(a) and (b) and substituting the following:

“(a) other than in relation to a **purchase** of **junk**:

- (i) at least 30 days after the date that a transaction has been recorded electronically in accordance with this Part, or
  - (ii) at least 45 days after the date that a transaction has been recorded manually in accordance with this Part;
- (b) in relation to a purchase of **junk**:
  - (i) at least 7 days after the date that a transaction has been recorded electronically in accordance with this Part, or
  - (ii) at least 21 days after the date that a transaction has been recorded manually in accordance with this Part; or”
- g) by deleting paragraph 19.12(a) and substituting the following:
  - “(a) a purchase of a **second-hand item**, including without limitation, **junk**, from another **second-hand dealer** or **junk dealer** who apparently has complied with section 19.10 and 19.11 of this Bylaw, or, if in another jurisdiction, any lawful requirements applicable to that **second-hand dealer**,”
- h) by deleting paragraph 19.12(c) and substituting the following:
  - “(c) a purchase of **junk** from another **junk dealer**, or manufacturer, wholesale dealer, or distributor, any of whom carry on business under a valid licence, where the **junk dealer** has been invoiced for payment by a date later than the periods established in section 19.11 (b) of this Bylaw; or”
- i) at PART TWENTY-SIX: INTERPRETATION by deleting the definition of **SECOND HAND ITEMS** in its entirety; and
- j) at PART TWENTY-SIX: INTERPRETATION by deleting the definitions of **SCRAP METAL DEALER** and **SECOND HAND DEALER** and substituting the following, in alphabetical order:

<b>“METAL DEALER OR RECYCLER</b>	means a “metal dealer or recycler” under the <i>Metal Dealers and Recyclers Act</i> , S.B.C. 2012, c. 22, as amended or replaced from time to time
<b>SECOND HAND DEALER</b>	means a person who carries on the business of <b>purchasing</b> , selling, procuring or offering for sale used or <b>second-hand items</b> whether on a wholesale or retail basis, or who operates the premises of a <b>second-hand dealer</b> , and includes, without limitation:



- (a) an auto wrecker who carries on the business of **purchasing** automobiles and automobile parts and components for the purpose of reselling as parts or components for reuse or as junk;
- (b) a **junk dealer**;
- (c) a person who keeps a store, shop, or other place of business for the purpose of carrying on a **second-hand dealer** operation; and
- (d) a person who, while licensed or required to be licensed for any business other than the businesses referred to in this Bylaw, **purchase** or store **second-hand items** either as a principal or as an agent;
- (e) a person who carries on the business of retailing or wholesaling used property limited to
  - (i) antiques;
  - (ii) used books, papers, magazines, vinyl records or long-playing records;
  - (iii) used clothing, footwear, costume jewellery, knickknacks, used furniture or houseware items such as dishes, pots, pans, cooking utensils and cutlery,

but does not include:

- (f) a person who deals in recyclable materials for the sole purpose of recycling to avoid waste, such as bottles, cans, plastics, glass, cardboard, paper or other recyclable materials;
- (g) a person who holds a valid licence issued by the Province of British Columbia to deal in used motor vehicles; or
- (h) a **metal dealer or recycler.**”

2) This Bylaw is cited as “**Business Regulation Bylaw No. 7538, Amendment Bylaw No. 8920**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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MAYOR

_____	CITY OF RICHMOND
_____	APPROVED for content by originating dept. <i>[Signature]</i>
_____	APPROVED for legality by Solicitor <i>[Signature]</i>
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CORPORATE OFFICER

**INFORMATION PACKAGE**  
***METAL DEALERS AND RECYCLERS ACT***

May 9, 2012

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This information is also available on the ministry's website at: <http://www.pssg.gov.bc.ca/metalrecycling/>

**OVERVIEW OF THE *METAL DEALERS AND RECYCLERS ACT***

Metal theft has been a public safety problem in BC by interfering with telephone services, emergency communications, transportation systems, and leaving live wires which threaten repair workers and other people with electrocution. To deter these thefts, the Province passed the *Metal Dealers and Recyclers Act* in November 2011 and the law will come into effect on July 23, 2012 by Order-in-Council. The Act requires metal dealers and recyclers to fulfill certain responsibilities which are available for reviewing on our website at: <http://www.pssg.gov.bc.ca/metalrecycling/>.

The Act requires metal dealers and recyclers who purchase regulated metal to register with the Province. As well, a person will be unable to sell regulated metal unless they provide their driver's licence or BC Identification Card to the dealer or recycler and explain the origin of the metal.

Metal dealers and recyclers must record information about the seller and a description of the regulated metal. Metal dealers and recyclers must also provide a summary report of the purchase to police on the same day of the sale. If the dealer's or recycler's report matches a description of reported stolen property, police must obtain a court order to access all the information the dealer or recycler has collected about the purchase.

If a metal dealer or recycler conducts business in a jurisdiction that has municipal bylaws governing the sale of regulated metal, the provincial *Metal Dealers and Recyclers Act* will take precedence. Dealers and recyclers should check with their municipalities to confirm if provisions of the bylaw are still applicable.

## REGULATED METAL AND REGISTRATION OF METAL DEALERS AND RECYCLERS

Businesses purchasing "regulated metal" must register with the province. "Regulated metal" includes items substantially made of "non-ferrous metal" that do not contain significant amounts of iron, such as:

- aluminum
- copper, including brass and bronze
- lead
- magnesium
- nickel
- zinc

Businesses that purchase the following specific items as scrap metal must also register with the Province:

- wire or piping used by a public utility to transmit electricity, telephone services or cable television signals
- metal traffic control lights, signals and signs
- street lighting poles, wiring and fixtures
- sewer grates and manhole covers
- metal guardrails and handrails
- metal grave markers, funeral vases, memorial plaques and monuments
- new scrap metal from a construction site or a manufacturing process

Not all non-ferrous metal is regulated under the *Metal Dealers and Recyclers Act*. Below is a list of Items which are excluded from the Act. If a metal dealer or recycler deals exclusively in these items, they do not need to be registered and if a registered dealer or recycler purchases these items, they do not need to collect information about the sale:

- metal cans
- food containers
- beverage containers
- paint containers
- Domestic or household products normally recycled to avoid waste

## REGISTRATION DEADLINE FOR METAL DEALERS AND RECYCLERS

Metal dealers and recyclers of regulated metal must register with the province no later than January 23, 2013. Unless they register, metal dealers and recyclers will not be able to make legal purchases of regulated metal. There is no fee for registering, and registration must be renewed every three years.

To register, download the application form from the Ministry of Justice, Security Programs Division website at: <http://www.pssg.gov.bc.ca/metalrecycling/>

Complete the registration application form and forward it to the Security Programs Division.

By mail:

Security Programs Division  
PO Box 9217 Stn Prov Govt  
Victoria BC V8W 9J1

By courier:

Security Programs Division  
2-914 Yates St  
Victoria BC V8V 3M2  
*Please note: there is no public access to this building.*

By fax: 250 387-4454

As an attachment to an e-mail: [sgspdsec@gov.bc.ca](mailto:sgspdsec@gov.bc.ca)

## COLLECTION OF SELLER'S INFORMATION

Effective July 23, 2012, a person will be unable to sell regulated metal unless they provide information to the metal dealer or recycler.

Metal dealers or recyclers who purchase regulated metal must record, in Form A, information listed below.

Form A can be downloaded from the Ministry of Justice, Security Programs Division web-site at:

<http://www.pssg.gov.bc.ca/metalrecycling/>

### Personal information of seller

At the time of sale, the person must provide:

- a valid driver's licence with a photograph of the individual, or
- a valid BC Identification Card with a photograph of the individual
- full name, current address and telephone number
- the origin of the regulated metal

No other documentation (e.g., such as a passport or military card) will be accepted for identification purposes.

### Information about motor vehicle

If the seller uses a motor vehicle to deliver the regulated metal, the metal dealer or recycler must record the following information of the motor vehicle:

- paint colour
- make and model of the motor vehicle
- licence plate number
- province or state that issued the plate

### If person does not own the regulated metal

If the person who delivers the regulated metal is not the owner, the person who is doing the delivery must provide the metal dealer or recycler with his or her following information:

- full name
- current address
- telephone number

### Proof of Ownership

A person must provide proof of ownership when selling:

- metallic wire that has had insulation or casing removed from it (burned wire)
- regulated metal that has marks indicating ownership by:
  - a local authority (e.g., municipality, regional district, school district)
  - a public utility or similar entity that distributes electricity, telephone services or cable television signals through wire or piping (e.g., BC Hydro, Telus)

## STOLEN PROPERTY

The *Metal Dealers and Recyclers Act* requires dealers and recyclers or any of their employees, to immediately contact the police if they believe they are in possession of stolen metal.

## DESCRIPTION OF REGULATED METAL PURCHASED

Metal dealers or recyclers who purchase regulated metal from a person must also record information in Form A.

This information includes:

- the specification code established by the Institute of Scrap Recycling Industries Inc. A copy of this code can be viewed at the institutes website:  
[http://www.isri.org/iMIS15\\_Prod/AsiCommon/Controls/Shared/FormsAuthentication/Login.aspx?ReturnUrl=%2fMIS15\\_PROD%2fISRI%2f\\_Member\\_Services%2fFor\\_Members%2fISRI%2f\\_Member\\_Services%2f\\_For\\_Members.aspx](http://www.isri.org/iMIS15_Prod/AsiCommon/Controls/Shared/FormsAuthentication/Login.aspx?ReturnUrl=%2fMIS15_PROD%2fISRI%2f_Member_Services%2fFor_Members%2fISRI%2f_Member_Services%2f_For_Members.aspx)
- a description of the metal purchased (for example, ½ inch outer diameter copper pipe)
- weight of metal purchased
- total purchase value of the metal
- distinguishing marks or features e.g., a company logo or name

## DAILY REPORT TO POLICE

### Report to Police

Metal dealers and recyclers who purchase regulated metal must complete Form B and send the form as a daily report to police. This form can be downloaded from the Ministry of Justice, Security Programs Division website at: <http://www.pssg.gov.bc.ca/metalrecycling/>

Local police authorities will provide information on whether they want the daily report emailed, faxed, or sent to a website.

Metal dealers and recyclers may forward this form to police at any time, provided it is received by the police authority before the end of the day on which the regulated metal was purchased. If there is a technical problem with sending the form, dealers or recyclers must deliver the information to their local police before noon on the next day, regardless of whether that day is a holiday or not a regular business day.

If for any reason a metal dealer or recycler must amend information contained in Form B, they must immediately notify the local police authority of the change.

### Customer Code

Metal dealers and recyclers must protect the identity of the seller in the report to police by assigning a customer code. The code is developed by taking the first 3 letters of the surname of the seller as recorded on their driver's licence or BC Identification Card, and the last 3 number, letters, or character's of the person's driver's licence or BC Identification Card.

For example, John Tucker sells regulated metal and has a BC Driver's Licence with the number 1234567. The customer code for John Tucker will be "TUC567".

If the local police authority decides there is a need for them to know the identity of the seller, they must obtain a court order to access the person's information that was collected in Form A.

## CASH TRANSACTIONS

There is a cash limit of \$50 when purchasing regulated metal from a person. Any amount over \$50 must be paid by cheque.

## EXEMPTIONS

### Commercial Accounts

Metal dealers and recyclers may have commercial accounts when they regularly purchase regulated metal from a business. Dealers and recyclers will not have to record information for these purchases, provided the dealer or recycler does the following:

- Establishes an account with each commercial entity for the purpose of purchasing regulated metal on an ongoing basis. Such businesses cannot be a mobile metal dealer.

- Keeps a current list of all these commercial entities.
- Creates and maintains a record of the information listed below for each commercial entity:
  - The full name and business address of the commercial entity.
  - The registration number assigned to the commercial entity under the *Excise Tax Act* (Canada).
  - The full name and phone number of a representative of the commercial entity.
  - The date, total value, and description of the predominant type of regulated metal purchased for each transaction of regulated metal with the commercial entity.

### **Mobile Metal Dealers or Recyclers**

“Mobile metal dealers or recyclers” are dealers or recyclers of regulated scrap metal who conduct their businesses from a motor vehicle and do not have a physical business location. Mobile metal dealers and recyclers are not required to register under the *Metal Dealers and Recyclers Act* and are not required to collect information when purchasing or collecting regulated metal.

However, mobile metal dealers and recyclers are required to sell their regulated metal to a registered metal dealer or recycler. The dealer or recycler will collect the personal information of the mobile dealer or recycler and record a description of the regulated metal. The dealer or recycler will forward the purchase information in Form B to the police.

## **PHOTO IDENTIFICATION**

The *Metal Dealers and Recyclers Act* requires metal dealers and recyclers to make an effort to ensure the driver’s licence or BC Identification Card presented by the seller has not been tampered with or forged. The following guidelines will assist in deciding if a licence or identification card is forged or altered:

- Making sure the photo looks like the person presenting the driver’s licence or identification card.  
Checking the physical description on the licence or identification card with the person presenting the identification.
- Making sure the licence has not expired.
- Watching the person for signs of nervousness when producing the identification.
- Looking for holograms, as this is expensive for forgers to reproduce.
- Feeling the driver’s licence or identification card for any rough edges where it may have been altered or checking for flimsiness of the card’s material.
- Looking at the quality of the text. Forged or tampered documents may have fuzzy text or text that is not straight.
- When in doubt, asking for a second or third piece of photo identification to double check information, especially the person’s signature.
- Asking questions to verify the seller’s identity (for example, asking what is their middle name, etc).



## PROTECTION OF SELLER'S PERSONAL INFORMATION

Metal dealers and recyclers are governed by the provincial *Personal Information and Protection Act* (PIPA) and are responsible for protecting the personal information collected from a seller. Laws that are required to be followed in protecting personal information collected for the purposes of the *Metal Dealers and Recyclers Act* and include:

### Collection of Personal Information

On or before collecting the person's personal information, informing the person that their personal information is being collected under the *Metal Dealers and Recyclers Act* and explaining how it will be used. Dealers and recyclers may want to explain the assignment of the customer code that protects a person's identity in the daily report to police. It is important not to collect more personal information than is required to fulfill the purpose of the *Metal Dealers and Recyclers Act*.

### Usage and Disclosure

Using the personal information only for the purposes of the *Metal Dealers and Recyclers Act* and disclosing the personal information to the police only if they have a warrant. You may not use the information you collected for any other purpose. For example, if you have not told the individual you will be using it for marketing purposes you may not do so. Similarly, you would not disclose the information to a third party in exchange for money.

### Accurate and Complete Personal Information

Ensuring the personal information is correctly and completely recorded. The *Metal Dealers and Recyclers Act* does not authorize the scanning or photocopying of a person's driver's licence or BC Identification Card. You have a legal obligation under the PIPA to ensure personal information is accurately and correctly recorded and inspectors have the authority to conduct audits to ensure this is done.

### Protecting the Security of Personal Information

Using a password if the personal information is kept in an electronic form and a lock where paper copies of Form A are filed or other reasonable security arrangements to protect against unauthorized use or disclosure of personal information collected.

### Retention

Keeping the personal information for only as long as it is necessary. The *Metal Dealers and Recyclers Act* requires that the information be retained for one year. If your business needs and legal requirements have been met you may want to securely destroy personal information before it becomes a security risk.

### Resources

The BC Information and Privacy Commissioner has an online tool to help businesses protect the personal information of customers. The *Securing Personal Information: A Self-Assessment Tool for Organizations* is an

online questionnaire and analysis tool that helps small and medium-sized businesses to see how well they are protecting personal information. You can access this tool via the commissioner's website: [www.oipc.bc.ca](http://www.oipc.bc.ca)

The Office of the Chief Information Officer is available to assist with questions and has additional information about a business's responsibilities under PIPA and can be reached as follows:

Ministry of Labour, Citizens' Services and Open Government  
Knowledge and Information Services

Web-site: [http://www.cio.gov.bc.ca/cio/priv\\_leg/index.page?](http://www.cio.gov.bc.ca/cio/priv_leg/index.page?)  
Privacy Help Line: 250 356-1851  
Email: [CPIAADMIN@gov.bc.ca](mailto:CPIAADMIN@gov.bc.ca)  
Fax: 250 356-1182

## COMPLIANCE

### Inspectors

Inspectors with the Security Programs Division have been appointed to conduct inspections for compliance with the *Metal Dealers and Recyclers Act*, its regulation, or with the terms and conditions of a metal dealer's or recycler's registration.

During normal business hours, an inspector may do any of the following:

- Enter and inspect a metal dealer's or recycler's business premises.
- Inspect, audit or examine any record, goods or other thing on the dealer's or recycler's premises.
- Request the production of a document or any other thing for inspection.
- Remove a record or any other thing for review and copying. If the inspector removes a record or item, the inspector must provide a receipt.
- Remove and retain a record or any other thing that may be required as evidence.
- Question a person.

### Violation Tickets

The inspector has the authority to issue a violation ticket if she or he has a reason to believe a person or business has contravened the *Metal Dealers and Recyclers Act*, its regulation, or the terms and conditions of a registration. Fines range from \$100 to \$500 depending upon the contravention.

The following is a summary of the fines:

**Schedule of Fines for Contraventions  
Metal Dealers and Recyclers Act**

Provision	Contravention	Fine	Victim Surcharge Levy	Ticketed Amount
Section 2 (a)	Fail to present prescribed identification	\$250	\$38	\$288
Section 2 (b)	Fail to present prescribed identification	\$250	\$38	\$288
Section 2 (b)	Fail to provide required information	\$250	\$38	\$288
Section 3 (1)	Purchase of metal from person who does not provide the required identification or information	\$500	\$75	\$575
Section 3 (2) (a)	Fail to take reasonable measures to ensure identification has not been altered or defaced	\$250	\$38	\$288
Section 3 (2) (b)	Fail to take reasonable measures to ensure identification was issued by issuing agency to the person	\$250	\$38	\$288
Section 3 (2) (c)	Fail to take reasonable measures to ensure identification is not forged or fraudulent	\$250	\$38	\$288
Section 3 (3) (a)	Purchase, without proof of ownership, metallic wire that reasonably appears to have had insulation or casing removed	\$500	\$75	\$575
Section 3 (3) (b)	Purchase, without proof of ownership, regulated metal with identifying marks of ownership by a local authority, public utility or prescribed entity	\$500	\$75	\$575
Section 5 (1) (a)	Fail to assign a customer code	\$500	\$75	\$575
Section 5 (1) (b)	Fail to record required information at time of transaction	\$500	\$75	\$575
Section 5 (2)	Fail to collect and record required information at time of transaction	\$500	\$75	\$575
Section 6	Fail to provide transaction information to local police authority within prescribed period of time or in prescribed manner and form	\$500	\$75	\$575
Section 7 (a)	Fail to record and maintain transaction information in prescribed manner and form	\$500	\$75	\$575
Section 7 (b)	Fail to keep transaction information on business premises for at least one year	\$500	\$75	\$575
Section 8	Carry on business as metal dealer or recycler without registration	\$500	\$75	\$575
Section 25 (1) (b)	Fail to comply with a term or condition of registration	\$100	\$15	\$115
Section 25 (2) (a)	Provide false or misleading information when required or authorized by the Act	\$500	\$75	\$575
Section 25 (2) (b)	Provide false or misleading information when applying for registration	\$500	\$75	\$575

Section 25 (2) (c)	Provide false or misleading information when requested, ordered or directed by the registrar or an inspector to provide information	\$500	\$75	\$575
Section 25 (4)	Obstruct, impede or refuse to admit an inspector	\$500	\$75	\$575

**Schedule of Fines for Contraventions  
Metal Dealers and Recyclers Regulation**

Provision	Contravention	Fine	Victim Surcharge Levy	Ticketed Amount
Section 7 (3)	Fail to notify local police authority of change to transaction information	\$500	\$75	\$575
Section 11	Payment in cash for regulated metal if value greater than \$50	\$250	\$38	\$288
Section 13 (3)	Fail to keep required list of commercial entities	\$500	\$75	\$575

**Administrative Penalties**

The inspector may decide to refer a contravention to the Registrar of Metal Dealers and Recyclers. The registrar can hold a hearing with the metal dealer or recycler which may be in writing or in person. After considering the information provided by the dealer or recycler, the registrar may decide to impose an administrative penalty.

The maximum administrative penalty for an individual is \$5,000 and for a business entity \$50,000. When determining the administrative penalty amount, the registrar must consider the following:

- If enforcement action has been issued to the person or business for similar contraventions.
- The gravity and magnitude of the contravention.
- Whether the person or business repeated or continued the contravention.
- Whether the contravention was deliberate.
- If the person or business derived economic benefit from the contravention.
- The person's or business's efforts (if any) to correct the contravention.

**Offences**

The *Metal Dealers and Recyclers Act* and its supporting regulation identify which contraventions are classified as offences. In these situations, the inspector will issue a "long form" charge and refer the matter to Crown Counsel to decide if the matter should be heard by the court. If a hearing is held and the court decides an individual has committed an offence, the person may be liable to a fine of not more than \$10,000 or imprisonment for not longer than 6 months or both. If the court decides a business entity has committed an offence, the business entity may be liable to a fine of not more than \$100,000.

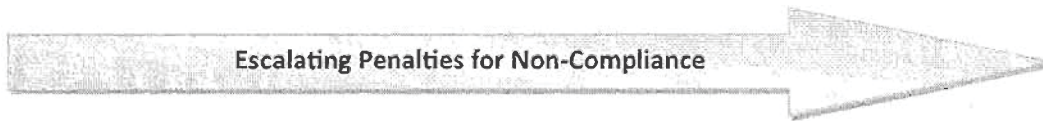
**Police**

Police have the authority to issue violation tickets for contravention of the *Metal Dealers and Recyclers Act* and to issue "long form" charges.

## Progressive Sanctions

The chart below demonstrates how penalties escalate for non-compliance.

	Violation Tickets	Administrative Fines	Offence Penalties
Penalty Details	Tickets between \$100 to \$500 (depending on the offence)	Up to \$5,000 for an individual; up to \$50,000 for a business entity.	Upon conviction, up to \$10,000 or 6 months in jail, or both for an individual; and up to \$100,000 for a business entity.
Issuer	Provincially appointed inspectors or police officers.	The Registrar of Metal Dealers and Recyclers.	The court system.



## CONTACT INFORMATION

The *Metal Dealers and Recyclers Act* is administered by the Ministry of Justice, Security Programs Division. If you have questions about the Act, please contact the ministry's Compliance and Enforcement inspector for your area:

**Manager, Compliance and Enforcement**

Stephen Hitchcock – 250 387-2658

**Region 1 Vancouver, Gulf Islands, and Powell River**

Tony Webb – 250 387-3282

**Region 2 Coquitlam, Port Coquitlam, Richmond, Delta, Ladner, Tsawwassen, Port Moody**

Daryl Watson – 604 572-9187

**Region 3 Kamloops, Kelowna, Vernon and east to Cranbrook, south to Grand forks, north to Revelstoke**

Brad Berrow – 250 861-7670

**Region 4 Langley, Fort Langley, Abbotsford and the Fraser Valley, Mission, Maple Ridge, Pitt Meadows**

Shawn Matthews – 604 572-8469

- Region 5** Pemberton, Whistler, Squamish, Sechelt, Sunshine Coast, West Vancouver, North Vancouver, Burnaby and New Westminister  
Arliss Trenholm – 604 572-8623
- Region 6** Surrey and White Rock  
Nidhan Rikhia – 604 572-8423
- Region 7** Vancouver City  
Iain McLellan – 604 572-8437
- Region 8** Cache Creek north to and including Prince George  
Shawn Matthews – 604 572-8469
- Region 9** West of Prince George to Prince Rupert and Haida Gwaii  
Daryl Watson – 604 572-9187
- Region 10** North of Prince George to Fort St John / Dawson Creek / Fort Nelson  
Tony Webb – 250 387-3282

You may also contact the Security Program Division as follows:

**By phone:**

Victoria 250 387-6981  
 Vancouver 604 660-2421  
 Toll Free *Until May 30, 2012:*  
 call Enquiry BC at 1 800 663-7867, and ask to be transferred to 250 387-6981  
*After May 30, 2012:*  
 1 855 587-0185

**By fax:** 250 387-4454

**By email:** [sgspdsec@gov.bc.ca](mailto:sgspdsec@gov.bc.ca)

**By mail:** Security Programs Division  
 PO Box 9217 Stn Prov Govt  
 Victoria BC V8W 9J1

**By courier:** Security Programs Division  
 2-914 Yates St  
 Victoria BC V8V 3M2

*Please note: there is no public access to this building.*

Staff are available during regular business hours: Monday to Friday 8:30 am - 4:30 pm.