
Citation: *Edward Wagnies v. New Brunswick (Director of Consumer Affairs)*, 2021 NBFCSST 1

PROVINCE OF NEW BRUNSWICK
FINANCIAL AND CONSUMER SERVICES TRIBUNAL
IN THE MATTER OF THE *DIRECT SELLERS ACT*, S.N.B. 2011, c 141

Date: 2021-05-05
Docket: CA-001-2021

BETWEEN

Edward Wagnies,

Appellant,

-and-

Director of Consumer Affairs,

Respondent.

ORDER

WHEREAS:

1. On April 26, 2021, Edward Wagnies filed a *Notice of Appeal* seeking to appeal a decision of the Director of Consumer Affairs, which decision was issued on January 12, 2021. In the *Notice of Appeal*, Mr. Wagnies also requested an extension of the time to file the *Notice of Appeal*;
2. Subsection 21(1) of the *Direct Sellers Act* stipulates that a person who is directly affected by a decision of the Director of Consumer Affairs may appeal it to the Tribunal within 30 days after the date of the decision;
3. Subsection 21(1.1) of the *Direct Sellers Act* provides that the Tribunal may extend the time for appealing a decision, before or after the expiration of time, if it is satisfied that there are reasonable grounds for

an extension;

4. Edward Wagnies contacted the Registrar of the Tribunal by telephone on numerous occasions about appealing the Director of Consumer Affairs' decision. During these telephone conversations, Mr. Wagnies indicated that he did not have a computer, nor access to the internet and that he had difficulty reading and writing. As a result, the Registrar provided Mr. Wagnies with the telephone number for the Law Society to obtain assistance in preparing his *Notice of Appeal*;
5. During a subsequent telephone conversation with the Registrar, Mr. Wagnies indicated that the Law Society referred him to the John Howard Society for help in filling out the *Notice of Appeal*;
6. On April 26, 2021, the Registrar received a fax from the John Howard Society attaching Mr. Wagnies' *Notice of Appeal*;
7. On April 28, 2021, the Registrar served the *Notice of Appeal* upon the Director of Consumer Affairs;
8. The Director of Consumer Affairs consents to an extension of the time to file the *Notice of Appeal* provided that this does not prejudice the timelines in terms of providing the *Record of the Decision-making Process*;
9. Pursuant to rule 5.3(5) of the *Rules of Procedure*, the Director of Consumer Affairs would normally have until May 13, 2021 to file her *Record of the Decision-making Process*; and
10. Rule 1.5(2) of the *Rules of Procedure* provides that the Tribunal may extend the time prescribed by the *Rules of Procedure*.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Mr. Wagnies' lack of computer and internet access combined with his difficulty reading and writing constitute reasonable grounds for an extension of the time to file the *Notice of Appeal*;
2. The time to file the *Notice of Appeal* is extended to April 26, 2021; and
3. The time for filing the *Record of the Decision-making Process* is extended to May 20, 2021.

DATED this 5th day of May, 2021.

Mélanie McGrath

Mélanie McGrath
Member of the Tribunal