



Telecom Decision CRTC 2010-343

PDF version

Ottawa, 4 June 2010

Tri-Dell Clean Air Systems Inc. – Violations of the Unsolicited Telecommunications Rules

File number: PDR 9174-479

In this decision, the Commission imposes administrative monetary penalties totalling \$3,000 on Tri-Dell Clean Air Systems Inc. for three voice telemarketing telecommunications initiated on its behalf to consumers whose telecommunications numbers were registered on the National Do Not Call List, in violation of the Unsolicited Telecommunications Rules.

Introduction

1. Between 13 October 2008 and 21 October 2009, the Commission received numerous complaints in relation to telemarketing telecommunications made by Tri-Dell Clean Air Systems Inc. (Tri-Dell).
2. On 14 December 2009, a notice of violation was issued to Tri-Dell pursuant to section 72.07 of the *Telecommunications Act* (the Act). The notice informed Tri-Dell that three telemarketing telecommunications had been made on its behalf to consumers whose telecommunications numbers were registered on the National Do Not Call List (DNCL), in violation of Part II, section 4¹ of the Commission's Unsolicited Telecommunications Rules (the Rules).
3. Tri-Dell was originally given a deadline of 13 January 2010 to pay the administrative monetary penalty (AMP) of \$3,000 set out in the notice of violation or to provide representations to the Commission regarding the three violations of Part II, section 4 of the Rules. The deadline was subsequently amended to 5 March 2010 due to difficulties in successfully delivering the notice of violation.²
4. The Commission notes that Tri-Dell neither paid the AMP specified in the notice of violation nor made representations in accordance with the notice. Accordingly, pursuant to subsection 72.08(3) of the Act, Tri-Dell is deemed to have committed the violations outlined in the notice of violation dated 14 December 2009.

¹ Part II, section 4 of the [Unsolicited Telecommunications Rules](#) states that a telemarketer shall not initiate, and a client of a telemarketer shall make all reasonable efforts to ensure that the telemarketer does not initiate, a telemarketing telecommunication to a consumer's telecommunications number that is on the National DNCL, unless express consent has been provided by such consumer to be contacted via a telemarketing telecommunication by that telemarketer or the client of that telemarketer.

² Pursuant to paragraph 72.07(2)(b) of the Act, a person has the right to pay the penalty or to make representations to the Commission within 30 days of the notice of violation being served.

5. In the circumstances of this case, the Commission considers that a penalty of \$1,000 for each of the three violations is appropriate. The Commission therefore imposes an AMP of \$3,000 on Tri-Dell.
6. The Commission hereby notifies Tri-Dell of its right to apply to the Commission to review and rescind or vary this decision under section 62 of the Act and to appeal this decision to the Federal Court of Appeal under section 64 of the Act. Any review and vary application under section 62 of the Act must be made within 30 days of the date of this decision and the Commission will place all related documentation on its website to allow public participation in accordance with Part VII of the *CRTC Telecommunications Rules of Procedure*. An appeal from this decision may be brought in the Federal Court of Appeal with the leave of that Court. Leave to appeal must be applied for within 30 days of the date of this decision or within such further time as a judge of the Court grants in exceptional circumstances.
7. The amount of \$3,000 is due by **5 July 2010** and is to be paid in accordance with the instructions contained in the notice of violation. For any amount owing that is not paid by **5 July 2010**, interest calculated and compounded monthly at the average bank rate plus three percent will be payable on that amount and will accrue during the period beginning on the due date and ending on the day before the date on which payment is received.
8. If payment of the debt has not been received within 30 days of the date of this decision, the Commission intends to take measures to collect the amount owing, which may include certifying the unpaid amount and registering the certificate with the Federal Court.

Secretary General