

## DETERMINATION DECISION 25-01

### Atira Women's Resource Society

**Designated Filer: Donna-Lynn Donnie Rosa-Brailsford**

**January 31, 2025**

**SUMMARY:** Atira Women's Resource Society (Atira), failed to submit their Registration Return within 10 days of the date the organization first engaging in lobbying, contrary to section 3(3) of the *Lobbyists Transparency Act* (LTA). The designated filer was issued an administrative penalty of \$4,000 for that contravention. Atira also contravened section 4.1 of the LTA when they failed to submit a Monthly Return by September 15, 2023. For this contravention they were issued an administrative penalty of \$1,000.

**Statutes considered:** *Lobbyists Transparency Act*, SBC 2001, c. 42.

**Authorities considered:** Determination Decisions 23-02, 23-04 and 24-02

### INTRODUCTION

[1] This report concerns an investigation under s. 7.1 of the LTA. This section gives the Registrar of Lobbyists (the Registrar) the authority to conduct an investigation to determine compliance with the LTA or its regulations. If the Registrar or delegate believes that the person under investigation has not complied with a provision of the LTA or its regulations, s. 7.2 of the LTA requires the Registrar to give a person under investigation notice of the alleged contravention and the reasons for the Registrar's belief that the contravention has occurred. Prior to making a determination under s. 7.2(2) of the LTA, the Registrar must, under s. 7.2(1)(b), give the person under investigation a reasonable opportunity to be heard respecting the alleged contravention.

[2] The LTA recognizes two types of lobbyists: consultant lobbyists and in-house lobbyists. This report focuses on the activities of Atira Women's Resource Society (Atira), an organization that employs in-house lobbyists. An in-house lobbyist is a paid employee, officer or director of an organization who lobbies on behalf of the organization or affiliate.

[3] Under s. 7(4)(d) of the LTA, the Registrar has delegated to me the authority to conduct this investigation.

#### **ISSUES UNDER CONSIDERATION**

[4] The issues for consideration are:

- (a) whether the designated filer contravened section 3(3) of the LTA by filing Atira's Registration Return later than the legislated deadline;
- (b) whether the designated filer contravened s. 4.1 of the LTA when they failed to submit Monthly Returns with information required under ss. 4.2(2)(a) to (d) of the LTA (lobbying activity), no later than 15 days after the end of each month; and
- (c) if the designated filer did not comply with the requirements of the LTA, what, if any, administrative penalty is appropriate in the circumstances?

#### **RELEVANT SECTIONS OF THE LTA**

[5] **"designated filer"** means

- (a) a consultant lobbyist, or
- (b) in the case of an organization that has an in-house lobbyist,
  - (i) the most senior officer of the organization who receives payment for performing the officer's functions, or
  - (ii) if there is no senior officer who receives payment, the most senior in-house lobbyist;

[6] **"lobby"**, subject to section 2 (2), means

- (a) to communicate with a public office holder in an attempt to influence
  - (i) the development of any legislative proposal by the government of British Columbia, a Provincial entity or a member of the Legislative Assembly,
  - (ii) the introduction, amendment, passage or defeat of any Bill or resolution in or before the Legislative Assembly,
  - (iii) the development or enactment of any regulation, including the enactment of a regulation for the purposes of amending or repealing a regulation,
  - (iv) the development, establishment, amendment or termination of any program, policy, directive or guideline of the government of British Columbia or a Provincial entity,

(v) the awarding, amendment or termination of any contract, grant or financial benefit by or on behalf of the government of British Columbia or a Provincial entity,

(vi) a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown, a Provincial entity or the public, or

(vii) a decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the government of British Columbia or a Provincial entity,

(b) to arrange a meeting between a public office holder and any other individual for the purpose of attempting to influence any of the matters referred to in paragraph (a) of this definition;

[7] **"lobbying activity"** means any of the activities described in paragraphs (a) and (b) of the definition of "lobby";

[8] **"public office holder"** means

(a) a member of the Legislative Assembly and any person on the member's staff,

(b) an officer or employee of the government of British Columbia,

(c) a person who is appointed to any office or body by or with the approval of the Lieutenant Governor in Council, other than a person appointed on the recommendation of the Legislative Assembly,

(d) a person who is appointed to any office or body by or with the approval of a minister of the government of British Columbia, and

(e) an officer, director or employee of any government corporation as defined in the [Financial Administration Act](#).

but does not include a judge or a justice of the peace;

[9] **Requirement to file a registration return**

3(3) The designated filer of an organization must file with the registrar, within 10 days of the date the organization first has an in-house lobbyist, a registration return in the prescribed form and manner and containing the information required by section 4.

[10] **Requirement to file monthly return**

4.1 A designated filer who has filed a registration return under section 3 must file with the Registrar a Monthly Return, in the prescribed form and manner and containing the information required under s. 4.2, no later than 15 days after the end of every month, beginning with the month in which the Registration Return under s. 3 is filed.

[11] **Form and content of monthly return**

4.2 In this section:

**"senior public office holder" means an individual who**

- (a) is a member of the Executive Council,
  - (b) is employed, other than as administrative support staff, in the office of a member of the Executive Council,
  - (c) is a member of the Legislative Assembly,
  - (d) is employed, other than as administrative support staff, in the office of a member of the Legislative Assembly,
  - (e) is a parliamentary secretary,
  - (f) occupies a senior executive position in a ministry, whether by the title of deputy minister, chief executive officer or another title,
  - (g) occupies the position of associate deputy minister, assistant deputy minister or a position of comparable rank in a ministry, or
  - (h) occupies a prescribed position in a Provincial entity;
- "third party sponsor" has the same meaning as in the [Election Act](#).

4.2(2) Each Monthly Return filed under s. 4.1 must include the following information in relation to each lobbying activity carried on, as applicable:

- (a) the name and position title of the senior public office holder who was the object of the lobbying activity;
- (b) the date of the lobbying activity;
- (c) the names of the lobbyists who participated in the lobbying activity;
- (d) particulars, including any prescribed particulars, to identify the subject matter of the lobbying activity;

[12] **Power to investigate**

7.1(1) If the registrar considers it necessary to establish whether there is or has been compliance by any person with this Act or the regulations, the registrar may investigate.

(2) The registrar may refuse to investigate or may cease an investigation with respect to any matter if the registrar believes that

(b) the matter is minor or trivial,

(c) dealing with the matter would serve no useful purpose because of the length of time that has elapsed since the matter arose,

[13] **Hearing and administrative penalty**

7.2 (1) If after an investigation under section 7.1 the registrar believes that a person under investigation has not complied with a provision of this Act or the regulations, the registrar must

(a) give notice to the person

(i) of the alleged contravention,

(ii) of the reasons why the registrar believes there has been a contravention, and

(iii) respecting how the person may exercise an opportunity to be heard under paragraph (b) of this subsection, and

(b) give the person a reasonable opportunity to be heard respecting the alleged contravention.

(2) If after giving a person under investigation a reasonable opportunity to be heard respecting an alleged contravention the registrar determines that the person has not complied with a prescribed provision of this Act or the regulations, the registrar

(a) must inform the person of the registrar's determination that there has been a contravention,

(b) may impose an administrative penalty of not more than \$25 000, and

(c) must give to the person notice

(i) of the registrar's determination that the person has not complied with a prescribed provision of this Act or the regulations and the reason for the decision,

(ii) if a penalty is imposed, of the amount, the reason for the amount and the date by which the penalty must be paid, and

(iii) respecting how the person may request reconsideration, under section 7.3, of the determination of non-compliance or the imposition or amount of the penalty.

**BACKGROUND**

[14] On May 11, 2023, the Office of the Registrar of Lobbyists (ORL) contacted Atira and advised them that as part of an environmental scanning program, they had become aware that Atira Women's Resource Society might have been engaged in lobbying activities and may need to be registered in the BC Lobbyists Registry. The ORL gave Atira a deadline of May 31, 2023, to respond to this letter.

[15] On June 8, 2023, Atira contacted the ORL, acknowledged receipt of the email and promised to respond. On August 15, 2023, Atira emailed the ORL and advised the following:

The organization does not have accurate records going back to May 4, 2020, when the legislation began. How do we become compliant? Do we simply begin from the date of registration?

[16] On August 18, 2023, the ORL spoke with Atira and Atira advised it had likely been lobbying and therefore was non-compliant with the LTA. Atira said that due the recent departure of its former CEO, Atira was unable to locate any records relating to its lobbying activities. On August 18, 2023, Atira submitted a new Registration Return, with a start date of May 4, 2020.

## **INVESTIGATION**

[17] On September 26, 2023, the ORL commenced an investigation under s. 7.1 of the LTA to determine whether the designated filer had contravened ss. 3(3) and 4.1 of the LTA.

[18] On October 27, 2023, I wrote to both the Ministry of Housing and BC Housing requesting any records related to Atira and lobbying. They provided this office with emails and letters regarding Atira's lobbying efforts. The list of the records indicated that Atira had lobbied the Ministry of Housing and BC Housing without registering these activities as required by the LTA.

[19] On January 22, 2024, I provided the designated filer with formal notice under s. 7.2(1)(a) of the LTA outlining the basis for the allegation that Atira did not file a Registration Return within 10 days of lobbying, contrary to s. 3(3) of the LTA, and did not file Monthly Returns as required by s. 4.1 of the LTA. I provided Atira with a list of possible instances of lobbying activities that were gathered from the Ministry of Housing and BC Housing. The list of possible lobbying activities took place between August 5, 2020, to June 5, 2023.

[20] On March 12, 2024, the lawyer for Atira responded and acknowledged that Atira likely engaged in lobbying in the past. The letter noted the following:

[Atira] notes that the circumstances giving rise to your current investigation are regrettable; however, they likely arise from the conduct of the (now) former CEO of [Atira], ..., whose conduct is not reflective of [Atira]. For clarity, and as you may likely

know from your “environmental scanning program”, on March 6, 2023, the [Atira] was implicated in a government report relating to a forensic investigation of a British Columbian Crown Corporation, BC Housing (“**BC Housing**”), as it pertained to, amongst other things, allegations of conflict of interest (the “**Report**”).

[Atira] understands that, between August 5, 2020, and August 18, 2023, Ms. Abbott [former Atira CEO] may have engaged in conduct designed to influence the awarding of, amongst other things, a financial benefit by or on behalf of the Ministry of Housing or BC Housing. As a result, [Atira] was required to comply with sections 3(3) and 4.1 of the Act. Therefore, the [Atira] anticipates that an administrative penalty will likely be assessed against it.

Atira said it recognized its obligations under the LTA and would pay strict attention to its reporting responsibilities in the future.

[21] On the topic of an administrative monetary penalty, the lawyer pointed out that Atira has not been the subject of a previous investigation. Atira stated that they understood that the number of alleged breaches of ss. 3(3) and 4.1 of the Act would likely be seen as an aggravating factor. That said, Atira outlined that the circumstances from which the contraventions arose are unique and the result of an individual, former CEO Janice Abbott, who no longer works for or with the Society.

[22] Atira also argued that it did not deliberately intend to contravene the LTA. Atira acknowledged it was able to secure economic benefits; however, such benefits were put towards supporting women and children affected by violence through safe and supportive housing, and by delivering education and advocacy aimed at ending all forms of gendered violence.

[23] Atira also outlined that once the ORL contacted them in May 2023 regarding its potential non-compliance with the Act, Atira took steps to bring itself into compliance with the Act. To that end, Atira submitted a new Registration Return on August 18, 2023, with a retroactive start date of May 4, 2020.

[24] Finally, in their submission, Atira made the important point that its mandate (to support women and children affected by violence through safe and supportive housing, and to end all forms of gendered violence) should be considered a mitigating factor against a higher penalty.

## **DISCUSSION AND FINDINGS**

### ***Registration Return section 3(3) of the LTA***

[25] As previously noted, the ORL first contacted Atira on May 11, 2023, when it became aware that Atira might have been engaged in lobbying activities. The purpose of the ORL's contact was to educate Atira about compliance with the LTA.

[26] On August 18, 2023, the designated filer advised the ORL that Atira may have engaged in lobbying in the past, but they did not have any records regarding their lobbying activities and therefore struggled with what to do next.

[27] Based on the list I provided to Atira, the first possible instance of lobbying occurred on August 5, 2020. The designated filer was required to file a Registration Return by August 15, 2020. The ORL introduced a transition period due to the COVID-19 pandemic, which extended the period designated filers had to comply with the LTA to September 15, 2020.<sup>1</sup> This being the case, the designated filer had until September 15, 2020, at the latest, to file their Registration Return for their August 5, 2020, lobbying. The designated filer submitted the Registration Return on August 18, 2023, approximately 35 months later than required. I find that Atira contravened s. 3(3) of the LTA when they did not submit a Registration Return by the legislated deadline.

### **Monthly Return section 4.1 of LTA**

[28] Once a designated filer submits a Registration Return under s. 3(3) of the LTA, they must submit Monthly Returns under s. 4.1 of the LTA no later than 15 days after the end of each month with any changes to their Registration Return:

#### **Requirement to file monthly return**

**4.1** A designated filer who has filed a registration return under section 3 must file with the registrar a monthly return, in the prescribed form and manner and containing the information required under section 4.2, no later than 15 days after the end of every month, beginning with the month in which the registration return under section 3 is filed.

[29] If the organization is lobbying senior public office holders, it must submit a Monthly Return with the information set out in s. 4.2(2)(a) to (d) of the LTA:

#### **Form and content of monthly returns**

**4.2 (2)** Each monthly return filed under section 4.1 must include the following information in relation to each lobbying activity carried on, as applicable:

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<sup>1</sup> Notice of this was provided by the Registrar in *Influencing BC*, Volume 10 Issue 2, April 2020, <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=366> retrieved on 2024-10-15. At paragraph 17.



- (a) the name and position title of the senior public office holder who was the object of the lobbying activity;
- (b) the date of the lobbying activity;
- (c) the names of the lobbyists who participated in the lobbying activity;
- (d) particulars, including any prescribed particulars, to identify the subject matter of the lobbying activity;

[30] This means that lobbying of senior public office holders that occurred prior to an organization registering must be reported no later than 15 days after the month in which the organization first submitted its Registration Return.

[31] Atira submitted its Registration Return on August 18, 2023. Once it submitted its Registration Return, Atira had until September 15, 2023, to report any outstanding lobbying of senior public office holders it conducted on or before it submitted its registration. Atira did not submit a Monthly Return prior to this deadline.

[32] Having reviewed the records from BC Housing and the Ministry of Housing, there are, by my count, 26 instances of Atira lobbying senior public office holders, including a Vice President of BC Housing and the Minister of Housing. During my investigation, I contacted Atira and asked if they were going to update the Registry and submit these Monthly Returns. Atira agreed to submit the late Monthly Returns that were not already in the Lobbyists Registry by September 15, 2024. I can confirm that Atira entered all 26 historical instances of lobbying in August 2024, which was before the new September 15, 2024, deadline.

[33] The late filing of the Registration Return on August 18, 2023, meant that the Monthly Returns were, by default, also delayed. This was compounded by the fact that there was a delay in filing the Monthly Returns even after the Registration Return was filed late. In this instance, the unregistered lobbying began on May 4, 2020, but was not registered until August 18, 2023. It then took Atira an additional 11 months to enter the Monthly Return for this historical lobbying activity. They finally did so in August 2024. This meant that, in some cases, over four years passed before the public was made aware of the extent of Atira's lobbying activities.

[34] I find that Atira contravened s. 4.1 of the LTA when it failed to submit its Monthly Return (containing the 26 historical instances of lobbying) by September 15, 2023.

#### **ADMINISTRATIVE PENALTY**

[35] S. 7.2(2) of the LTA provides that if, after giving a person under investigation a reasonable opportunity to be heard respecting an alleged contravention, the Registrar determines that the person has not complied with a prescribed provision of the Act or the

Regulation, the Registrar must inform the person of the Registrar's determination that there has been a contravention and may impose an administrative penalty of not more than \$25,000.

[36] Such person must be given notice of the contravention determination and, if a penalty is imposed, "the amount, the reason for the amount, and the date by which the penalty must be paid."

[37] S. 7.2 of the LTA confers discretion on the Registrar to impose administrative penalties. To provide a measure of structure in the exercise of that discretion, the ORL has published a guidance document "Registrar of Lobbyists: Guide to Investigations" (guide to investigations) to advise members of the public and those engaged in lobbying about what will guide the ORL in exercising its duties under the LTA and the regulations. As the policy makes clear, its purpose is to structure discretion. It does not fetter discretion; it provides a consistent framework so lobbyists can have some certainty about the exercise of discretion. It is not law. I have considered that guidance in the exercise of my delegated discretion to determine a penalty based on the facts before me.

[38] The guide to investigations first sets out a general financial range for particular infractions, depending on whether they are first, second or third infractions. Second, it provides a list of factors that will be considered in determining the amount of an administrative penalty. Finally, it does not fetter the ORL's ability to conclude that no administrative penalty is appropriate in the circumstances, or to fashion a remedy on either side of the range set out in the general policy, in special circumstances.

[39] The penalty range for failing to register is between \$500 to \$7,500 for a first contravention. The penalty for failing to submit a Monthly Return registering lobbying activity is between \$500 to \$7,500 for a first contravention.

[40] In determining the appropriate administrative penalty within that range, I have taken the following factors into account:

- Previous enforcement actions for contraventions by this person;
- The gravity and magnitude of the contravention;
- Whether the contravention was deliberate;
- Whether the registrant derived any economic benefit from the contravention;
- Any efforts made by the registrant to report or correct the contravention;
- Whether a penalty is necessary for specific and general deterrence; and
- Any other factors that, in the opinion of the Registrar or their delegate, are relevant to the administrative penalty.

[41] I have considered these factors and the submissions made by counsel.

[42] The goal of the LTA is to promote transparency, to provide the public with accurate and timely information about who is lobbying government and the purpose of the lobbying.

[43] Based on their start date of May 4, 2020, which is when they began engaging in lobbying activity, and taking into consideration the transition period, the designated filer was required to file a Registration Return no later than September 15, 2020. The Registration Return was submitted on August 18, 2023, approximately 35 months late. During this period, Atira lobbied on at least 26 separate occasions.

[44] Prior to the ORL approaching Atira, the ORL and the public were not aware of the extent of Atira's lobbying activities. It was not until CBC News published an article on May 8, 2023, detailing a forensic audit of the relationship between BC Housing and Atira, that the ORL learned Atira might be engaged in unregistered lobbying.<sup>2</sup> I acknowledge that the designated filer cooperated with the ORL. I appreciate that Atira did not initially have any records from the previous CEO that recorded lobbying activity and Atira had to go to great lengths to recover the missing records through its IT department. However, its response was drawn out over 50 days before it submitted its Registration Return and 11 months before it completed its Monthly Returns. This outweighs any positive consideration for both contraventions that would normally be given to an organization that worked with the ORL to remedy either contravention.

[45] I am not aware of any previous contraventions or warnings for late filing under the LTA by Atira. This weighs in favour of a lower penalty for both contraventions.

[46] There is no information before me which would indicate that these contraventions were deliberate. However, I do note that during the time Atira lobbied while unregistered, they received many large funding transfers from BC Housing. Had Atira registered their lobbying activity as required; it would have enhanced their level of transparency. However, this did not occur. I would note that Atira's funding increased from 33.2 million in 2020 to 74.1 million in 2022.<sup>3</sup> This was during the period that Atira lobbied while unregistered. This would favour a higher penalty for both contraventions.

[47] In terms of the gravity and magnitude of the contravention, the failure to file a Registration Return in a timely manner undermines the LTA's goal of transparency because it prevents the public from knowing who is attempting to influence government at any point in time. The designated filer is required to disclose accurate, current, and complete information about the organization's lobbying activities. The 10-day time limit for filing a Registration Return is not optional or arbitrary; it is connected to the public's right to know the information

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<sup>2</sup> <https://www.cbc.ca/news/canada/british-columbia/forensic-audit-finds-former-b-c-housing-ceo-directed-funds-to-spouse-s-non-profit-1.6835992>

<sup>3</sup> Office of the Comptroller General Investigation of BC Housing dated March 6, 2023 page 13

set out in s. 4 of the LTA and to have it in a timely manner. A serious consequence of registering late here is that the public was unaware of Atira's lobbying activities for almost three years. The magnitude of this contravention is heightened by the fact that the public was left in the dark about the volume of Atira's lobbying activities during this period. Given the lack of transparency and length of time, I consider this contravention to be very serious, warranting a higher penalty.

[48] The same can be said for the Monthly Returns. In terms of the gravity and magnitude of the contravention, the failure to file a Monthly Return in a timely manner also undermines the LTA's goal of transparency because it prevents the public from knowing who is attempting to influence government at any point in time. The designated filer is required to disclose accurate, current, and complete information about the organization's lobbying activities. A serious consequence of registering late here is the public was unaware of the details of Atira's lobbying activities for four years in some cases. Again, the magnitude of this contravention is heightened by the fact that the public was left in the dark about the volume of Atira's lobbying activities during this period. In this case, there are 26 instances of lobbying that took place without being registered. Given the lack of transparency, length of time and volume of Monthly Returns that were not registered, I consider this contravention to be very serious, warranting a higher penalty.

[49] The contraventions in this case are clear. A penalty is necessary for both specific and general deterrence. In terms of specific deterrence, this investigation, the ensuing administrative penalty, and the publication of the outcome of this investigation will encourage this Organization meet their obligations under the LTA.

[50] In considering general deterrence, the publication of this report and recognition that the ORL will issue administrative penalties to those who contravene the LTA will remind all individuals of their legal obligations to be diligent in filing Registration Returns and Monthly Returns. It is not uncommon for designated filers to approach the ORL when they realize they have missed dates to file a Registration Return. In past decisions, approaching the ORL with errors tends to weigh in favour of a reduced penalty. This was not the case here. The ORL became aware of the unregistered lobbying activity and contacted Atira. This would warrant a higher penalty for both contraventions

[51] I have examined past Determination Decisions in considering a reasonable penalty for these contraventions. A number of Determination Decisions (DD) have been decided since the amendments to the legislation. I have found three with similar circumstances to this decision.

[52] In DD 24-02, a representative from the organization contacted the ORL asking what actions they were required to do to meet the LTA's requirements. The ORL informed the representative that they would need to submit a new registration with information required under the new legislation. The organization was 28 months late in submitting its Registration Return. The organization had no previous contraventions and asked the ORL about its

obligations under the LTA. The contravention was not deliberate and did not result in an economic benefit. The organization lobbied on 43 occasions while not being registered. The designated filer received a penalty of \$3,500 for contravening s. 3(3) of the LTA.

[53] In DD 23-02, the organization failed to submit Monthly Returns within the legislated timeline. The organization did have an active Registration Return. During a communication over a separate matter, it came to the attention of the ORL that the organization had lobbied senior public office holders. The pandemic had caused disruptions in the organization as roles had changed, and the designated filer was new in their role. The designated filer indicated that there was confusion about what constituted lobbying. The ORL provided information to assist the designated filer in meeting the organization's obligations under the LTA. The designated filer worked with the ORL to quickly correct the error. The investigation found no evidence that the contravention was deliberate, nor was there an economic benefit resulting from the contravention. The designated filer submitted 15 late Monthly Returns for lobbying on 29 separate occasions over a period of two years. The designated filer received a penalty of \$3,000 for contravening s. 4.1 of the LTA.

[54] In DD 23-04, the ORL contacted the designated filer questioning them about possible lobbying activity they may have conducted while not registered. The designated filer acknowledged that the organization had lobbied and would quickly submit its Registration Return. The designated filer corresponded with the ORL for several months. The ORL provided guidance to assist the designated filer complete their registration. The ORL had to continually remind the designated filer of their obligations under the LTA. The designated filer finally submitted the organization's Registration Return 16 months late. The contravention was not deliberate. There was no economic benefit derived from the contravention. The organization lobbied on 10 different occasions during this period. Given the circumstances, the designated filer received a penalty of \$4,000 for contravening s. 3(3) of the LTA.

[55] In DD 24-02, the organization was 28 months late in registering and had lobbied on 43 occasions, receiving a penalty of \$3,500. In DD 23-02, the designated filer had submitted 15 Monthly Returns late over a two-year period, with unreported lobbying of senior public office holders on 29 separate occasions, receiving a penalty of \$3,000. In DD 23-04, the designated filer filed their Registration Return 16 months late, lobbying on 10 different occasions while not registered. The designated filer received a penalty of \$4,000.

[56] Atira filed its Registration Return approximately 35 months late, lobbying on at least 26 separate occasions while unregistered. The period over which the organization lobbied while unregistered is longer than in the previous decisions, and the number of occasions on which lobbying took place is high. This is a significant amount of unreported lobbying.

[57] I also recognize that Atira does valuable work in local communities in BC. They support vulnerable women and children who are often fleeing violent domestic situations. The failure to register their lobbying activities seems to be almost exclusively tied to the actions of one

individual (the former CEO) who did not take their obligations to register under the LTA seriously. This person has since left the organization. Normally, the late registration and failure to register so many Lobbying Activity Reports would attract a much higher penalty. I note in this case the contraventions are more serious and numerous than past decisions cited above. However, in this case, given the fact that the organization is a non-profit who serves marginalized and victimized populations in their communities and the contravention appears to be the result of the actions of a now former employee, I have taken this, and the facts listed above into consideration in arriving at a lower penalty for this contravention. This is an exceptional and unusual set of circumstances, and the penalty reflects the facts of this specific case.

[58] Given the circumstances outlined above, it is my view that a reasonable penalty would be \$4,000 for Atira's contravention of s. 3(3) of the LTA. This accounts for the lateness of the Registration Return, which meant the Monthly Returns were delayed by default. This reflects the fact that at least 26 instances of lobbying went unregistered for 35 months. The LTA requires that Monthly Returns only need to be filed once a Registration Return is entered, even if it is late. Therefore, in this case the failure to file the Registration Return is a much more serious contravention than the failure to file a Monthly Return, given the fact that the requirement to file Monthly Returns is not triggered until the Registration Return is filed.

[59] Regarding the Monthly Returns, as mentioned above, the requirement to file Monthly Returns was only triggered when the late filing of the Registration Return was completed, even though the lobbying went unregistered for months or even years. Since I have issued a high penalty for a first contravention of s. 3(3) of the LTA and because of the factors mentioned above, I believe a penalty of \$1,000 for contravening s. 4.1 of the LTA by submitting its Monthly Return late is reasonable.

## **CONCLUSION**

1. Under s. 7.2(2) of the LTA, I find that:

- i. the designated filer contravened s. 3(3) of the LTA when they failed to submit an initial Registration Return within 10 days of lobbying conducted by its in-house lobbyists.
- ii. the designated filer contravened s. 4.1 of the LTA when they failed to submit a Monthly Return by September 15, 2023.

2. I impose the following administrative penalties for the reasons set out above:

- i. \$4,000 for contravening s. 3(3) of the LTA;
- ii. \$1,000 for contravening s. 4.1 of the LTA

The designated filer must pay the amount for the penalty no later than **March 17, 2025**.

If the designated filer requests reconsideration under s. 7.3 of the LTA, they are to do so within 30 days of receiving this decision by providing a letter in writing directed to the Registrar of Lobbyists at the following address, setting out the grounds on which reconsideration is requested:

Office of the Registrar of Lobbyists for British Columbia  
PO Box 9038, Stn. Prov. Govt.  
Victoria, BC V8W 9A4  
Email: info@bcorl.ca

Date: January 31, 2025

ORIGINAL SIGNED BY

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Trevor Presley, Director Investigations and  
Delegate of the Registrar of Lobbyists