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PBABC Statement on the March 2nd, 2017 Court of Appeal Ruling on the BC CPA Act
Organization of Chartered Professional Accountants' of British Columbia v. Nordine

Vancouver, BC: The Professional (now referred to as Public) Business Accountants' Society of British Columbia (PBABC) had successfully defended PBA members from petitions for injunction through a July 11th BC Supreme Court Ruling. The application to the BC Supreme Court sought to prevent the use of the respondents Professional Business Accountant – PBA designations. The petition relied on an expansive and monopolistic interpretation of the new *CPA Act* that was not consistent with the CA, CGA, CMA merger public consultation process nor the position of the Ministry of Advanced Education, which was responsible for introducing the new legislation. However, the Court of Appeal overturned the ruling and in doing so stated the following:

... It may seem unfair that Messrs. Nordine and Ehsan cannot call themselves professional accountants or professional business accountants when they earn their livelihoods as business accountants. However, the Legislature made a decision to restrict the type of accountants who may refer to themselves as professional accountants (or to imply, suggest or hold out that they are professional accountants) to those who are members in good standing of CPABC. Any perceived unfairness cannot overcome the legislative intent

...Section 58 of the Act gives the court a discretion to grant an injunction if it is satisfied that there has been a breach of the Act. Messrs. Nordine and Ehsan abandoned their argument that the court should not grant an injunction in this case in light of the provisions of the Labour Mobility Act, S.B.C. 2009, c. 20, and made no submissions that the court should exercise its discretion against granting an injunction. The court will rarely conclude that the discretion to grant the injunction should not be exercised on the ground that the public interest in having the statute obeyed is outweighed by the hardship occasioned by an injunction: see *College of Opticians of British Columbia v. Coastal Contacts Inc.*, 2009 BCCA 459 at para. 30. There is not a proper basis in this case for the court to exercise its discretion against the granting of an injunction...

While an appeal to the Supreme Court of Canada is being made, PBABC is taking responsible action and instructing members to use Public Business Accountant – PBA until the matter is resolved.

The PBABC protects the public by regulating PBA members through education, exam, entrance, ethics, experience, continuing professional education, errors and omissions insurance, and practice review requirements. In a competitive free market the public should have the right to choose what type of designated accountant they believe is the right fit for their career or business.

"We are disappointed that the Court of Appeal reversed the decision of the Supreme Court of BC. This will restrict our ability to market our brand of professionalism to the detriment of British Columbians. We hope to find a solution with the Ministry of Advanced Education that protects the public, and hopefully, at the same time appeases CPABC." says Solomon Nordine, President of the PBABC.

The PBABC will continue to defend its right to practise public accountancy for businesses across BC and the Yukon.