

Government of the Province of Alberta  
Department of Service Alberta

**Notice of Administrative Penalty**

File:29702

To: Chris Shaw, Director  
Polar Spas (Edmonton) LTD.  
5605 – 99 Street NW  
Edmonton Alberta T6E 3N8

After reviewing the information available to me, I have concluded that Polar Spas (Edmonton) LTD has contravened s. 6(4)(a) of the *Fair Trading Act* in respect of which an administrative penalty may be imposed. Particulars of the contravention are as follows:

1. Based on my review of the investigation report, including the statement from the purchaser, and the Polar sales agreement, I am satisfied that Polar represented to the consumer that the regular selling price for the ping pong table was \$1,199.00.
2. Given that the table sold to the consumer by Polar was available at Playmore for \$348.00 and that this was their regular price it is reasonable to conclude that the regular price for this table in this market area is not \$1,199.00.
3. The investigation found that Polar purchased a ping pong table for \$348.00 and a foosball game for \$500.00 from Playmore two days before Polar delivered the consumer's purchases to him. Based on this it is reasonable to conclude that the items that Polar purchased from Playmore are the ones that were delivered to the consumer.

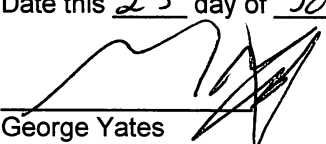
I have assessed a total administrative penalty of \$5000.00 for the contravention of s. 6 (4)(a) of the Fair Trading Act.

This notice of administrative penalty on Polar. has been served pursuant to section 158.1(1) of the *Fair Trading Act* and the Administrative Penalties (*Fair Trading Act*) Regulation, AR135/2013, for the reasons set out in the Reasons for Decision.

You are required to submit payment for the administrative penalty within thirty days of the date of service of this Notice.

If payment has not been received in this time period, the Notice may be filed in the Court of Queen's Bench and enforced as a judgement of that Court pursuant to section 158.4 of the *Fair Trading Act*.

Date this 23 day of June, 2015

  
George Yates  
Director of Fair Trading

**Payment of an Administrative Penalty**

A person who pays an administrative penalty in respect of a contravention or a failure to comply shall not be charged under the *Fair Trading Act* with an offence in respect of the same contravention or failure to comply that is described in the Notice.

### **Right of Appeal**

Section 179 of the *Fair Trading Act* provides a right to appeal this decision. The appeal may be sent to the Minister of Service Alberta c/o the Director of Fair Trading at 3rd Floor, Commerce Place 10155-102 Street Edmonton, Alberta T5J4L4.

The appeal must be received within 30 days of the date you received the Notice of Administrative Penalty. The time period is strictly enforced. Your appeal must include the following information: 1) reason that you are appealing, 2) the decision being appeal, 3) your name, and 4) your address for service. Pursuant to the section 4 of the Administrative Penalties (Fair Trading Act) Regulation, AR135/2013, the appeal fee is \$1000.00.

### **Payment Information**

You may pay this administrative penalty by cheque or money order payable to the Government of Alberta. A copy of this notice should be included with your cheque or money order.

Payment should be mailed to:

3<sup>rd</sup> Floor, Commerce Place, 10155 102 Street, Edmonton AB T5J 4L4