



# OF THE FAIR TRADING ACT

TO

#### 1718826 ALBERTA LTD. OPERATING AS ROC WORX

AND TO

**BRYAN FERTAL, DIRECTOR** 

AND TO

### ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF 1718826 ALBERTA LTD. OR BRYAN FERTAL

This Director's Order was issued under s. 157 of the *Fair Trading Act* in response to, in the opinion of the Director, contraventions of the Act. As mandated by s. 157.1 of the *Fair Trading Act*, this Director's Order is part of the public record.

For more information on the Fair Trading Act, business licensing in Alberta or to search for a licensed business, please click here:

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**Tipsheets** 





**Consumer Programs** 

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#### DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT

<u>TO</u>

#### 1718826 ALBERTA LTD. OPERATING AS ROC WORX

#### AND TO

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## ANY EMPLOYEE, REPRESENTATIVE, OR AGENT 1718826 ALBERTA LTD. OR BRYAN FERTAL

#### ISSUE

On or about June 13, 2013 a representative entered into a contract on behalf of the trade name Roc Worx with a consumer for work on the consumer's residence. The contract was negotiated and concluded in person at that residence. The scope of work was for new landscaping. The total price of this contract was \$7,465.63. A copy of the contract was provided to the consumer, which did not include all items required in a prepaid contract. The consumer gave a deposit of \$3,180.00 on the day the contract was made, and a further \$4,800.00 in progress payments for material and labour. The work was to be completed by July 27, 2013 however; a portion of the work was not completed within this timeline.

This activity constitutes a "prepaid contracting business" requiring a person or business to be licensed under Section 104(1) of the Fair Trading Act. A Prepaid Contracting Business means the activities of soliciting, negotiating or concluding in person, at any place other than the seller's place of business, a construction or maintenance contract in which all or part of the contract price is to be paid before all of the goods or services called for in the contract are provided. When a business enters into a prepaid contract to provide goods and services worth \$200 or more, this contract must be in writing and include specific terms required by the Fair Trading Act...

Bryan Fetal, Director of 1718826 Alberta Ltd., has entered into a prepaid contract with a consumer without holding a prepaid contracting business licence, and did not include all required terms in that prepaid contract. As of January 2014 he was informed of the prepaid contracting licence requirement. Although Mr. Fetal has stated he is no longer operating a landscaping company and has no intentions of operating as a prepaid contractor, Mr. Fetal has failed to provide a formal statement regarding his future intentions. Therefore, there is the potential he may enter into

prepaid contracts with residential consumers in the future without a licence, in violation of the Fair Trading Act.

#### ORDER

- 1718826 Alberta Ltd. must immediately:
  - cease entering into prepaid contracts (taking down payments, deposits or progress payments before work is fully completed on contracts solicited, negotiated or concluded in person away from the company's place of business) with residential consumers until licensing requirements have been met;
  - o ensure all prepaid contracts include the terms required by the Fair Trading Act; and
- Bryan Fetal, either in his own capacity or when acting on behalf of a corporation which he represents or in which he has an interest, must immediately:
  - cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from his place of business) with residential consumers until licensing requirements have been met; and
  - o Ensure all prepaid contracts include the terms required by the Fair Trading Act.
- Any employee, representative, agent or associate of Bryan Fetal must immediately:
  - cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from their place of business) with residential consumers until licensing requirements have been met; and
  - o Ensure all prepaid contracts include the terms required by the Fair Trading Act.

#### NON COMPLIANCE WITH ORDER

 ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE FAIR TRADING ACT CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE FAIR TRADING ACT.

Scott Hood

Director of Fair Trading (as delegated)

July 11, 2014