
DIRECTOR'S ORDER UNDER SECTION 157

OF THE *FAIR TRADING ACT*

TO

956665 ALBERTA LTD.

AND

CAL SPAS AND BILLIARDS AND ALBERTA PREMIUM HOT TUBS

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.

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CAL SPAS AND BILLIARDS AND ALBERTA PREMIUM HOT TUBS

BACKGROUND AND ISSUES

On February 27, 2013 _____ purchased a hot tub from Cal Spas and Billiards from a sales agent by the name of Ray O'Neil. Mr. O'Neil stated that the hot tub came with a full manufacturer's warranty, however when _____ contacted the hot tub manufacturer, Bullfrog Spas, he was advised that the hot tub did not come with a full warranty.

_____ went back to Cal Spas and Billiards and stated that he did not want the hot tub, and he wanted his deposit back based on not supplying the proper jet packs and a limited warranty. Mr. O'Neil stated that the deposits are non-refundable. To date no deposit was returned.

On October 10, 2013 Investigator Roberts advised the General Manager, Ray O'Neil, about the misrepresentation of advertising Cal Spas and Billiards as Better Business Bureau (BBB) accredited when in fact they are not. Mr. O'Neil stated that he would have the BBB logo removed from the website (<http://www.bullfroghottubsandbilliards.com/default.htm>) and store, however as of December 16, 2013 the website still has the BBB accredited symbol on its website.

Cal Spas and Billiards is not a member of the Better Business Bureau, and is still representing that they are accredited by the BBB on their business website which is an offence under section 6(4)(a) and 6(4)(d) of the *Fair Trading Act*.

On October 18, 2013 Investigator Jaime Fischer and Investigator Christina Roberts conducted an undercover operation on Cal Spa and Billiards. Investigator Fischer spoke to Mr. O'Neil and stated her husband was interested in a specific Bullfrog hot tub which was one of the floor models. Mr. O'Neil stated it was on sale because it was a 2012 floor model. Mr. O'Neil also stated that that there was a full 5 year manufacturer's warranty included.

On October 28, 2013 Investigator Fischer and Investigator Roberts went to Cal Spas and Billiards and spoke to Mr. O'Neil to obtain more detailed information on the warranty on the Bullfrog Spas floor Model (Model 131-2 seater). Mr. O'Neil stated there was a 5 year warranty on things such as electronics, pumps motor and 15 year warranty on the acrylic and the shell. Investigator Fischer asked for Mr. O'Neil to put it in writing, and was provided a sheet with details of the warranty.

Investigator Roberts confirmed with the Technical and Warranty Manager of Bullfrog Spas, Bart Plante, that the specific hot tub that Investigator Fischer was speaking to Mr. O'Neil about (Model 131-2 s/n132894) had a 3 year warranty which included the following: life time warranty on jet pack plumbing, 3 years on shell and surface-blisters/warping but no water leak, life time on shell if crack creates loss of water, 3 year on equipment-plumbing, electrical, and heater. However this specific hot tub was shipped to Cal Spas August 20, 2009 and the warranty starts counting down 12 months after the dealer receives the hot tub. The 3 year equipment, plumbing, electrical and heater warranty expired August 20, 2013.

ORDER

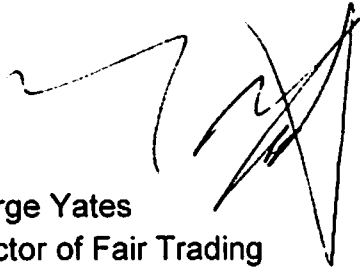
956665 Alberta Ltd, d/b/a Cal Spas and Billiards and Alberta Premium Hot Tubs must immediately cease representing they are accredited by the BBB when in fact they are not, and misrepresenting warranty details on Bullfrog Spas hot tubs.

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*.

APPEAL

You have the right to appeal this Order under section 179 (1) (d) of the *Fair Trading Act*. In order to do so a notice of appeal must be served on the Minister of Service Alberta within 30 days of your being served with this Order.

A handwritten signature in black ink, appearing to be 'George Yates', written over a faint, illegible stamp or background.

George Yates
Director of Fair Trading
December 17, 2013.