

ANTON KUDRYTSKYI
OPERATING AS
BEST BUY WINDOWS AND DOORS

This Director's Order was issued under s. 157.1 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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DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT

TO

ANTON KUDRYTSKYI
OPERATING AS BEST BUY WINDOWS AND DOORS

AND

ANY EMPLOYEE, REPRESENTATIVE,
OR AGENT OF ANTON KUDRYTSKYI
OPERATING AS BEST BUY WINDOWS AND DOORS

Issues

Anton Kudrytskyi, operating as Best Buy Windows and Doors, operates a window replacement and installation business where contracts or portions thereof are often solicited, negotiated, or concluded at a consumer's home and a consumer is required to pay deposit or progress payments prior to the completion of work.

In October 2009, Anton Kudrytskyi, operating as Best Buy Windows and Doors was informed in writing of the prepaid contracting license requirement. At that time, a licensing package was provided to him and his spouse, Leah Kudrytskyi gave assurances that when the business re-convened operations in the spring of 2010 they would be in full compliance. The supplier promised to disclose their intentions to Service Alberta no later than March 1, 2010.

As of April 27, 2010 no further inquiry had been made and no formal license application submitted to Service Alberta.

On April 27, 2010 Service Alberta sent a follow-up letter to Anton and Leah Kudrytskyi requesting the disclosure of their intentions respecting licensing and/or legislative compliance with a diary date of May 14, 2009. No response has been received.

The supplier made it clear in communications with Service Alberta that he normally accepts small deposits as security so that consumers don't cancel contracts after windows have been ordered. In light of this, the potential strongly remains that the supplier will at some future time enter into prepaid contracts in Alberta without a license in violation 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 prepaid contract.

A "Prepaid Contract" means 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.

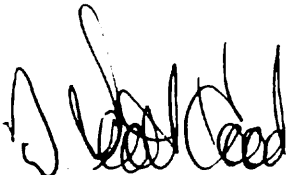
A "Construction or Maintenance Contract" in part means a contract for the purposes of constructing, altering, maintaining, repairing, adding to or improving a person's own private dwelling or a structure / building located on the same property, used in conjunction with the person's own private dwelling or improving real estate property to be used in connection with the person's own private dwelling / building / structure.

Order

- Anton Kudrytskyi, operating as Best Buy Windows and Doors must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) until the licensing requirements have been met in full.
- Individuals who are employed by, representing, acting as agent for or otherwise associated with Anton Kudrytskyi, operating as Best Buy Windows and Doors must immediately cease entering into prepaid contracts until licensing requirements have been met in full.

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)
June 24, 2010