

**FRANCOIS LINCOURT
OPERATING AS
MR. BOOTS HOME THEATRE
AND TO
ANY EMPLOYEE, REPRESENTATIVE, AGENT OR ASSOCIATE OF
FRANCOIS LINCOURT AND/OR MR. BOOTS HOME THEATRE**

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

FRANCOIS LINCOURT OPERATING AS MR. BOOTS HOME THEATRE

AND TO

**ANY EMPLOYEE REPRESENTATIVE AGENT OR ASSOCIATE OF FRANCOIS
LINCOURT AND/OR MR. BOOTS HOME THEATRE**

ISSUES

In January of 2012, Mr. Francois Lincourt operating as Mr. Boots Home Theatre entered into a Direct Sales Contract with a consumer, in Strathmore, Alberta without possessing a valid provincial license.

This activity constitutes a "Direct Selling Business" requiring Francois Lincourt and/or Mr. Boots Home Theatre to be licensed as required under section 104(1) of the *Fair Trading Act*.

A Direct Selling Business is a "designated business" under the Designation of Trades and Business Regulation, Alberta Regulation 178/1999

At the time of entering into the direct sales contract with the consumer, Francois Lincourt and/or Mr. Boots Home Theatre was not licensed as a Direct Selling Business as required under section 104(1) of the *Fair Trading Act*.

A "Direct Selling Business" means the activities of soliciting, negotiating, or concluding in person at any time other than at the seller's place of business, sales contracts, including direct sales contracts to which Part 3 of the *Fair Trading Act* applies, for the provision of goods or services, where the buyer is a consumer.

Part 3 of the *Fair Trading Act*, section 24(a.1) states that a "direct sales contract" means a consumer transaction that's is a contract, other than a time share contract, in which

- (i) the consideration for goods or services exceeds the amount specified in the regulations and,
- (ii) the contract is negotiated or concluded in person at a place other than the suppliers place of business or at a place other than a market place, auction, and trade fair, agricultural fair or exhibition.

ORDER

Mr. Francois Lincourt individually or through any employee, representative, agent or associate must immediately stop engaging in the activities of a "Direct Selling Business" by soliciting, negotiating, or concluding in person, at any place other than the seller's place of business, a direct sales contract

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*.

A handwritten signature in black ink, appearing to read "Scott Hood". The signature is stylized and cursive.

Scott Hood
Director of Fair Trading (as delegated)
May 4, 2012