
**DIRECTOR'S ORDER UNDER SECTION 157
OF THE *FAIR TRADING ACT*
TO
BOX CONSTRUCTION LTD.
AND TO
AARON BOX, DIRECTOR
AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
BOX CONSTRUCTION LTD.
AND/OR OF
AARON BOX**

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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ISSUES

From July 10 to September 18, 2014 the Consumer Investigations Unit undertook a proactive investigation initiative to review contractors operating in the Edmonton area to confirm whether these businesses were continuing to operate as prepaid contractors without proper licensing. Box Construction Ltd. was one of the contractors selected for review during this initiative.

On September 24, 2014 Aaron Box, Director of Box Construction Ltd. came to a residential property and met with an investigator who he understood to be the homeowner. While on site, he began negotiations for a contract for basement renovations in the house. Mr. Box indicated this contract would include a deposit, which would typically be 50 percent, with additional progress payments as work continued.

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.

Aaron Box, on behalf of Box Construction Ltd., engaged in the negotiation of a prepaid contract for work on a personal residence without holding a prepaid contracting business licence. Box Construction was previously licensed as a prepaid contractor, and as such is aware of the licensing requirements. This licence expired in November 2012. As he has been operating with an expired licence, there is the potential he may enter into prepaid contracts with residential consumers in the future without a current licence, in violation of the *Fair Trading Act*.

ORDER

- Box Construction Ltd. 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.
- Aaron Box, 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.
- Any employee, representative, agent or associate of Box Construction Ltd. and/or Aaron Box 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.

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)
January 22, 2015