

**COLIN SOUTHER AND MICHELLE FORTIN**  
**OPERATING AS**  
**COLIN'S CARPENTRY & RENOVATION SERVICES**  
**AND TO**  
**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF**  
**COLIN SOUTHER AND MICHELLE FORTIN AND/OR**  
**COLIN'S CARPENTRY & RENOVATION SERVICES**

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**

**COLIN SOUTHER AND MICHELLE FORTIN, OPERATING AS COLIN'S CARPENTRY & RENOVATION SERVICES**

**AND TO**

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF COLIN SOUTHER OR MICHELLE FORTIN AND/OR COLIN'S CARPENTRY & RENOVATION SERVICES**

**Issues**

Between about July 9, 2010 and August 2, 2010 Colin Souther and Michelle Fortin, operating as Colin's Carpentry & Renovation Services, attended at consumers' residences and negotiated two prepaid contracts with two consumers to renovate a personal dwelling and to build a deck.

In the first transaction, the written contract dated July 16, 2010 for \$3,113.25 did not comply with the *Fair Trading Act*. A deposit of \$1,900.00 was paid on July 16, 2010. Additional payments of \$813.00 on July 22, 2010 and \$400.25 on August 3, 2010 were paid to Mr. Souther. All the payments were acknowledged as being received by Mr. Souther.

In the second transaction, there was no written contract. On August 2, 2010, a verbal arrangement was made for an hourly rate of \$60.00 for only Mr. Souther's services or \$85.00 if Mr. Souther brought a helper. A \$1,000.00 payment was paid on August 4, 2010. A second payment of \$1000.00 was paid on August 10, 2010 and the balance of \$2,016.75 paid on August 17, 2010. All the payments were acknowledged as being received by Mr. Souther.

Both consumers exercised their extended cancellation rights by delivering letters of cancellation to Colin Souther on June 23, 2011 and June 28, 2011 as the supplier was unlicensed. Neither has received a refund within 15 days of their cancellation.

This activity constitutes a "prepaid contracting business" requiring a person or business to be licensed as required under Section 104(1) of the *Fair Trading Act*.

A stylized, handwritten-style signature of the word "Alberta" in a cursive font.

A Prepaid Contracting Business means that 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. Under Section 10 of the *Prepaid Contracting Business Licensing Regulation*, when a prepaid contract is for a value of more than \$200, the prepaid contracting business must ensure the prepaid contract complies with the requirements of Section 35 of the *Fair Trading Act* and sets out the quality or types of materials to be used under the contract and the services and work to be carried out under the contract. A person who engages in a prepaid contracting business and who enters into a prepaid contract with a consumer must provide a copy of the signed contract to the consumer on or before the date work commences or within 10 days of the signing, whichever comes first.

Colin Souther entered into prepaid contracts without holding this license. Colin Souther and Michelle Fortin were informed of the prepaid contracting license requirements; however, as of August 19, 2011, they have not obtained the required license.

### **Order**

Colin Souther and Michelle Fortin must immediately:

1. Cease entering into prepaid contracts until they have obtained a provincial license as a prepaid contracting business, and
2. Stop taking down payments, deposits or progress payments from consumers before the work is fully completed until the 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*.**

A handwritten signature in black ink, appearing to read 'D. Scott Hood', written in a cursive style.

Scott Hood  
Director of Fair Trading (as delegated)  
August 19, 2011