

**GLOBAL CREDIT & COLLECTION INC.**  
**AND**  
**ANY EMPLOYEE, REPRESENTATIVE OR AGENT OF**  
**GLOBAL CREDIT & COLLECTION INC.**

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**  
**GLOBAL CREDIT & COLLECTION INC.**  
**AND**  
**ANY EMPLOYEE, REPRESENTATIVE OR AGENT OF**  
**GLOBAL CREDIT & COLLECTION INC.**

Service Alberta has investigated allegations related to the collection activities of Global Credit & Collection Inc. and found evidence that:

1. Global Credit & Collection Inc. and employees, representatives and agents of Global Credit & Collection have engaged in breaches of the prohibited practices set out in s. 12 of the Collection and Debt Repayment Practices Regulation.
2. Global Credit & Collection Inc. has failed to create and maintain records as required by s. 132 of the *Fair Trading Act* and 23.3 of the Collection and Debt Repayment Practices Regulation.
3. Global Credit & Collection Inc. has failed to notify the Director of the cessation of employment of licensed collectors within 15 days, as required by s. 9 of the Collection and Debt Repayment Practices Regulation.

Based on these findings, the Director has formed the opinion that Global Credit & Collection Inc. representatives and agents thereof have breached the *Fair Trading Act*.

**LEGISLATION**

*Fair Trading Act*

- s. 132 (1) Every licensee and former licensee must create and maintain
- (b) other records and documents described in the regulations for the period specified in the regulations.

Collection and Debt Repayment Practices Regulation

- s. 9 When a collection agency ceases to employ a collector, or a debt repayment agency ceases to employ a debt repayment agent, the agency must send to the Director within 15 days written notification of
- (a) the name of the collector or of the debt repayment agent, as the case may be, and
  - (b) the date that the collector of the debt repayment agent ceased to be employed by or authorized to act on behalf of the agency.

*Alberta*

- s. 12(1) No collection agency or collector may
  - (a) collect or attempt to collect money for a creditor except on the belief in good faith that the money is due and owing by the person to the creditor;
  - (c) if a collection agency,
    - (i) carry on the activities of a collection agency in a name other than the name in which it is licensed unless it has received the approval of the Director to do so, or
    - (ii) when using an automated call system, fail to provide a contact number for the debtor to call when leaving a message;
  - (d) if a collector, collect or attempt to collect a debt without providing
    - (i) the collector's name as shown on the collector's licence in all contacts and correspondence;
  - (h) directly or indirectly threaten or state an intention to proceed with any action for which the collection agency or collector does not have the prior express consent of the creditor or for which there is no lawful authority;
  - (i) contact or attempt to contact the debtor, any member of the debtor's household, any relative of the debtor, the debtor's employer or any neighbour, friend or acquaintance of the debtor by any means in such a manner as to constitute harassment;
  - (j) give any person, directly or indirectly, by implication or otherwise, any false or misleading information, including but not limited to references to the police, a law firm, prison, credit history, court proceedings or a lien or garnishment;
  - (m) contact the debtor's employer for any purpose other than to confirm the debtor's employment status, business title and the address of the business, in preparation for legal proceedings;
  - (p) communicate information about the debt or the existence of the debt with any person except the debtor, a guarantor of the debt, the debtor's representative or the creditor of the debt unless the debtor has expressly consented to the communication;
  - (v) exceed three unsolicited contacts on behalf of the same creditor with a debtor in any period of 7 consecutive days;
  - (w) cancel or alter a payment agreement with a debtor if the debtor has complied with the terms of the agreement and the debtor's financial circumstances have not changed materially, unless the debtor has misrepresented the debtor's financial circumstances;
  - (x) pursue a non-judgment debt where the last payment or written acknowledgement by the debtor is more than 6 years previous;
- (3) Notwithstanding section 111(2) of the Act, a collection agency must not enter into an agreement or contract with or make a request of a representative or employee of the collection agency who is exempt under that section to undertake any action that contravenes this section.
  
- s. 21.1 If a collection agency or a collector reaches a settlement agreement with a debtor, the collection agency or collector must, when the amount set out in the settlement agreement has been paid in full, provide to the debtor a receipt containing
  - (a) the amount paid,
  - (b) the name of the creditor or creditors, and
  - (c) a statement that the amount received is in final settlement of the debt or debts owing.
  
- s. 23.3 (1) Each collection agency and debt repayment agency must create and maintain the following records of its activities:
  - (d) records relating to receipts issued and disbursements made;

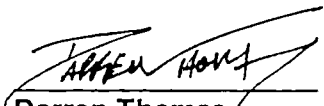
- (e) a log of telephone calls relating to collection activities;
- (f) records relating to collection activities, including, but not limited to, records of contact such as note lines;
- (g) settlement or debt repayment agreements with debtors;
- (o) in the case of a collection agency, records relating to the history of a debt at the time of assignment by the creditor or purchase by the collection agency;

**ORDER**

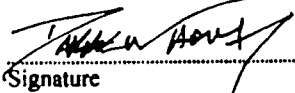
- Global Credit & Collection Inc. and any employee, representative and agent of Global Credit & Collection Inc. must immediately cease engaging in breaches of s. 12 of the Collection and Debt Repayment Practices Regulation.
- Global Credit & Collection Inc. must create and maintain all records required by s. 132 of the *Fair Trading Act* and s. 23.3 of the Collection and Debt Repayment Practices Regulation.
- Global Credit & Collection Inc. must notify the Director of the cessation of employment of licensed collectors within 15 days as required by s. 9 of the Collection and Debt Repayment Practices Regulation.

**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.

  
Darren Thomas  
Director of Fair Trading (as delegated)  
April 18<sup>th</sup>, 2011

I hereby certify this to be a true  
Copy of the Original

  
Signature

Darren Thomas  
Print Name

Director of Fair Trading  
(as delegated)  
Title

Apr. 18, 2011  
Date