

JOHN RUTTINGER
AND
1749383 ALBERTA INC. OPERATING AS
JOHN THE CONTRACTOR
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT
OF JOHN RUTTINGER OR
1749383 ALBERTA INC.
OPERATING AS
JOHN THE CONTRACTOR

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 of the Fair Trading Act, this Director's Order is part of the public record.

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DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT

TO

JOHN RUTTINGER

AND

1749383 ALBERTA INC. OPERATING AS JOHN THE CONTRACTOR

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF JOHN RUTTINGER OR 1749383
ALBERTA INC. OPERATING AS JOHN THE CONTRACTOR**

BACKGROUND AND ISSUES

On January 15, 2014 Service Alberta Consumer Investigations Unit undertook a proactive investigation initiative to determine whether contractors are operating unlicensed prepaid contracting businesses in Alberta. The Criminal Code of Canada gives authority to Peace Officers and Investigators of the Province of Alberta to conduct this type of operation. The goal of this operation was to ensure awareness of and compliance with the licensing and contract requirement regime for prepaid contracting businesses. The Prepaid Contracting Business Licensing Regulation gives consumers assurance that money they give to a contractor is protected through security in place for that purpose, and the contractor is following legislated requirements. By conducting this operation, the Consumer Investigations Unit can help ensure a safe and fair marketplace for both consumers and prepaid contracting businesses.

John Ruttinger, owner and operator of 1749383 Alberta Inc., operating as John the Contractor, was a target of the investigative initiative and attended a residential home located in Calgary, Alberta, where a contract was negotiated for a home renovation project. As part of the negotiation, John Ruttinger discussed that he accepts prepayment for home renovation projects where a solicitation, negotiation or conclusion of the contract would take place in a consumer's residence, away from his regular place of business.

The activity of soliciting, negotiating or concluding a prepaid contract in person, in a location other than their normal place of business and accepting a deposit or prepayment prior to completion of the project constitutes a Prepaid Contracting Business. This requires John Ruttinger, 1749383 Alberta Inc., operating as John the Contractor, to be licensed as required under Section 104(1) of the *Fair Trading Act*.

Mr. Ruttinger did not have a prepaid contracting business license at any of the relevant times. 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

- John Ruttinger, 1749383 Alberta Inc., and John the Contractor, individually or through any employee, representative, agent, or associate must immediately stop engaging in the activities of a "Prepaid Contracting Business" by soliciting, negotiating, or concluding in person, at any place other than the seller's place of business, a prepaid 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*.**



Scott Hood
Director of Fair Trading (as delegated)
March 13, 2014