
DIRECTOR'S ORDER UNDER SECTION 157

OF THE *FAIR TRADING ACT*

TO

LEON GAUDET

AND TO

ADVANTAGE CONTRACTING

AND TO

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF

LEON GAUDET OR ADVANTAGE CONTRACTING

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:

[Search for a Licensed Business, Charity or Fundraiser](#)

To view a tipsheet on this business licence category, please click here:

[Tipsheets](#)

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ISSUE

On September 20, 2013 Leon Gaudet, operating as Advantage Contracting, negotiated and concluded in person a contract with an Alberta consumer to prepare a site and construct a foundation to be used by the consumer as a private recreational dwelling. The contract to complete this work was negotiated and concluded at the site the recreational dwelling was to be constructed. The contract required the consumer to provide an initial deposit of funds before work began, which the consumer did provide. The contract also required the consumer to provide a progress payment when a specified amount of work had been completed.

This activity constitutes a Prepaid Contracting Business requiring Leon Gaudet and or Advantage Contracting to be licensed as required under section 104(1) of the *Fair Trading Act*.

At the time of entering into the prepaid contract with this consumer Leon Gaudet and or Advantage Contracting was not licenced as a Prepaid Contracting Business as required 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 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.

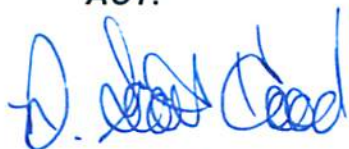
A "Construction or Maintenance Contract" in part means a contract for the purposes of constructing, altering, maintaining, repairing, adding to or improving a person's own private dwelling or a structure / building located on the same property, used in conjunction with the person's own private dwelling or improving real estate property to be used in connection with the person's own private dwelling / building / structure.

ORDER

- Leon Gaudet, 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 until licensing requirements have been met.
- Advantage Contracting 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 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)
July 16, 2014