

MARPAR ENTERPRISES LTD.
AND
KELLY TROY HILL, DIRECTOR
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
MARPAR ENTERPRISES LTD. AND/OR KELLY HILL

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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Consumer Programs

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

TO

MARPAR ENTERPRISES LTD.

AND

KELLY TROY HILL, DIRECTOR

AND

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF MARPAR
ENTERPRISES LTD. and/or KELLY HILL**

ISSUE

On or about January 31, 2012, Kelly Hill, on behalf of MarPar Enterprises Ltd., entered into a contract with a consumer in person at the consumer's residence. The contract included a basement development at that residence. The total price of this contract was \$23,300, of which \$5,000 was paid before work began. A further payment of \$5,000 was made before the work was finished. The work required by the contract has not been completed. The consumer cancelled the contract, but Mr. Hill has not provided a refund.

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. When a contractor enters into a prepaid contract without the proper licence, the consumer can cancel the contract up to one year from the date the contract was signed. If the consumer cancels, the contractor must return all money paid before the work was completed, after which the consumer and contractor can work out the amount owing for work already done.

MarPar Enterprises Ltd., through its director Kelly Hill, has entered into a prepaid contract with a consumer without holding this licence. As of May 2012, the company and its director were informed of the prepaid contracting licence requirement. Despite this, they have not made the effort to either obtain this licence or to show a change in their

operations to cease prepaid contracting activity. There is the potential they will enter into prepaid contracts with residential consumers in the future without a licence, in violation of the *Fair Trading Act*.

ORDER

- MarPar Enterprises Ltd., and any current or future corporation of which Kelly Hill is a shareholder or director of that corporation or of its parent corporation, must immediately cease entering into any new prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with residential consumers until licensing requirements have been met and must ensure refunds are provided to consumers who cancel when allowed by the *Fair Trading Act*.
- Kelly Hill, either in his own capacity or when acting on behalf of a corporation in which he has an interest or by which he is employed, must immediately cease entering into any new prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with residential consumers until licensing requirements have been met and must ensure refunds are provided to consumers who cancel when allowed by the *Fair Trading Act*.
- Any employee, representative, agent or associate of MarPar Enterprises Ltd. and/or Kelly Hill must immediately cease entering into any new prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with residential consumers until licensing requirements have been met and must ensure refunds are provided to consumers who cancel when allowed by the *Fair Trading Act*.

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)
October 1, 2012