

MARCIE RAE-LENE HORYN
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
MARCIE RAE-LENE HORYN

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

MARCIE RAE-LENE HORYN

AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
MARCIE RAE-LENE HORYN

ISSUE

Between May 2011 and January 2013, Marcie Rae-Lene Horyn, operating under the names Castle Contracting, Tundra Landscaping, and Easy Pro, entered into contracts with eight Edmonton-area consumers for work on their personal residences. Seven contracts were for landscaping work, with the consumers contacting Ms. Horyn after receiving a flyer at their doors. The eighth contract was for kitchen renovations, with Ms. Horyn replying to a wanted advertisement placed by the consumer. Each of these contracts was negotiated at the consumers' residences. Ms. Horyn collected prepayments totalling \$53,300 for these agreements. None of the contracts were completed, with several consumers receiving no or very little work after making payments. Several consumers sent cancellation notices to Ms. Horyn, but only one received part of their money back.

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 refund to the consumer all money paid by the consumer within 15 days.

Marcie Horyn has entered into prepaid contracts with consumers without holding this licence. In March 2011, Ms. Horyn was charged with operating an unlicensed prepaid contracting business and failing to refund money on cancelled contracts. She pleaded guilty to these charges in December 2011. Despite this, evidence shows she has entered into more prepaid contracts without a licence. As such, there is the potential she will

continue to enter into prepaid contracts with residential consumers in the future without a licence, in violation of the *Fair Trading Act*.

ORDER

- Marcie Rae-Lene Horyn, either in her own capacity or when acting on behalf of a corporation in which she has an interest or by which she is employed, must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with consumers until licensing requirements have been met and must ensure refunds are provided to consumers who cancel as allowed by the *Fair Trading Act*.
- Any employee, representative, agent or associate of Marcie Rae-Lene Horn must immediately cease entering into prepaid contracts (taking down payments, deposits or progress payments before the work is fully completed) with consumers until licensing requirements have been met and must ensure refunds are provided to consumers who cancel as 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)
June 20, 2013