
DIRECTOR'S ORDER UNDER SECTION 157

OF THE *FAIR TRADING ACT*

TO

MARQUEE ROOFING

AND TO

ROD BLAND, OWNER

AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF ROD BLAND OR

MARQUEE ROOFING

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:

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[Tipsheets](#)

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Issues

On or about September 18, 2014 Service Alberta, Consumers Investigations Unit conducted a proactive initiative to determine whether certain contractors in the Edmonton area were operating as prepaid contracting businesses without possessing a prepaid contracting business licence. Among those contractors was Mr. Rod Bland operating as Marquee Roofing. On September 18, 2014, Mr. Bland negotiated a contract at a property away from his normal place of business with an investigator and stated that he would require a deposit of 40% prior to the work being completed. The contract that was provided also did not meet the requirements set out in the *Fair Trading Act*.

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 business enters into a prepaid contract to provide goods and services worth \$200 or more, this contract must be in writing and include specific terms required by the *Fair Trading Act*.

As of December 9, 2014 Mr. Bland operating as Marquee Roofing does not possess a prepaid contracting business license with Service Alberta. It is likely that this supplier will continue to enter into prepaid contracts in Alberta without possessing a prepaid contracting business license, in violation of the *Fair Trading Act*.

ORDER

- Marquee Roofing must immediately:
 - cease from entering into prepaid contracts (accepting down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from the company's place of business) with residential consumers until the licensing requirements have been met; and
 - ensure all prepaid contracts include the terms required by the *Fair Trading Act*; and

- Rod Bland, either in his own capacity or when acting on behalf of a corporation which he represents or in which he has an interest, must immediately:
 - cease from entering into prepaid contracts (accepting down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from his place of business) with residential consumers until the licensing requirements have been met; and
 - ensure all prepaid contracts include the terms required by the *Fair Trading Act*; and

- Any employee, representative, agent or associate of Rod Bland must immediately:
 - cease from entering into prepaid contracts (accepting down payments, deposits or progress payments before the work is fully completed on contracts solicited, negotiated or concluded in person away from their place of business) with residential consumers until the licensing requirements have been met; and
 - ensure all prepaid contracts include the terms required by the *Fair Trading Act*; and

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)
December 9, 2014