

MICHAEL MCLEAN
OPERATING AS
MCLEAN MECHANICAL
AND TO
ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF
MCLEAN MECHANICAL AND/OR MICHAEL MCLEAN

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

TO

MICHAEL MCLEAN

OPERATING AS

MCLEAN MECHANICAL

AND

**ANY EMPLOYEE, REPRESENTATIVE, OR AGENT
OF MCLEAN MECHANICAL AND/OR MICHAEL MCLEAN**

Issues

Mr. Michael McLean began operating under a trade name called McLean Mechanical in the Edmonton area in September of 2009. He entered into two prepaid contracts with homeowners in Edmonton in the fall of 2009 without being the holder of a Prepaid Contracting Business License. Money was collected towards the work performed in both cases. There was also work left to be performed in both cases.

Service Alberta received information from two consumers in Edmonton. With respect to the first contract:

- 1) Mr. McLean solicited the consumers while in their home and working for another company.
- 2) The work was agreed to verbally in the consumer's home.
- 3) Mr. McLean was paid a total of \$4,300.00 before the project was completed.
- 4) A written contract was not entered into.

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With respect to the second contract:

- 1) Mr. McLean solicited the consumer by phone for the replacement of the furnace and hot water tank in the consumer's home.
- 2) The work was agreed to verbally at the consumer's home
- 3) Mr. McLean was paid a total of \$2,200.00 before the project was completed.
- 4) A written contract was not entered into.
- 5) The work was not completed.

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

- Michael McLean, 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.
- Michael McLean must immediately cease taking down payments, progress payments, deposits or any other monies prior to completion of the project in its totality unless the licensing requirements have been met.
- McLean Mechanical, 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*.

A handwritten signature in black ink, appearing to read "S. Hood", written in a cursive style.

Scott Hood
Director of Fair Trading (as delegated)
September 2, 2011